

URBAN/MUNICIPAL
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1992

July - August 1992

AGENDAS AND MINUTES
OF THE PLANNING AND
DEVELOPMENT

July 22, 1992-

J.J. SCHATZ
CITY CLERK



THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
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1992

1992 July 16

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 July 22

→ 7:30 o'clock p.m.

2nd Floor Clerks Lobby, City Hall

A handwritten signature in cursive script, appearing to read "Tina Agnello".

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A:

1. COMMISSIONER OF PLANNING AND DEVELOPMENT

Hamilton Beach Neighbourhood Plan

2. ADJOURNMENT

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

1.

DATE: July 14, 1992
P5-2-60, P5-3-2-62
Hamilton Beach Neighbourhood

JUL 15 1992

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

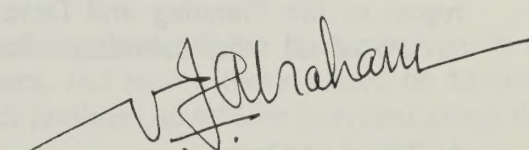
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Hamilton Beach Neighbourhood - Final Report
- Proposed Neighbourhood Plan and Official Plan Amendment

RECOMMENDATIONS:

- A) That the City Solicitor be requested to repeal City of Hamilton By-Law No. 88-275, (By-Law of Adoption for Hamilton O.P.A. No. 62);
- B) That approval be given to Official Plan Amendment No. , to incorporate changes to Schedule "A" - Land Use Concept of the Official Plan, and to Special Policy Area 10 on Schedule "B" - Special Policy Areas, to implement the Hamilton Beach Neighbourhood Plan, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth;
- C) That the proposed Hamilton Beach Neighbourhood Plan, attached as Appendix 1 (text and maps), be adopted by Council; and,
- D) That the Province of Ontario be requested to direct back the proceeds from the sale of surplus publicly-owned lands in the Beach Neighbourhood, to help fund open space improvements in the Beach area.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- The report to the Planning and Development Committee dated May 12, 1992, attached as Appendix 2, provides a complete summary of the background history and process for the preparation of the Beach Neighbourhood Plan. A review of the submissions arising from the public meeting held September 30, 1991 is also included in Appendix 2. Additional background information is available from the Secretary of the Planning and Development Committee.
- At the Planning and Development Committee meeting of May 20, 1992, the matter was tabled to hold an additional public meeting, dealing primarily with the lakefront breezeway issue.
- This public meeting was held on May 27, 1992, with approximately 100 citizens in attendance. The comments received from the public addressed a number of issues, including:
 - Reasons for supporting or not supporting establishment of the proposed lakefront pedestrian/bicycle path or "breezeway";
 - Design, location, and amenities associated with the breezeway;
 - Potential for locating the bicycle path component along Beach Blvd., while retaining the pedestrian path along the lakefront;
 - Provision of additional open space on the lake side at the south end of the Beach;
 - Location of proposed townhouses; provision of affordable housing;
 - Concerns regarding perceived expansion of commercial area; and,
 - Acquisition of houses (5) for park and open space purposes.
- Submissions from the public were invited following the May 27, 1992 public meeting, and 6 letters were received from citizens and agencies. Copies of these letters of submission are also available from the Secretary of the Planning and Development Committee.

REVIEW OF SUBMISSIONS

The following is a summary of the additional submissions concerning the proposed Beach Neighbourhood Plan, which were raised as a result of the May 27, 1992 public meeting. The report to the Planning and Development Committee dated May 12, 1992, contains a complete review of all other submissions received.

1) The Lakefront

Breezeway

- Submissions - Many of those providing comments felt that the lakefront breezeway was desirable, or that it could be made more acceptable by means of appropriate location and design. It was felt that the Beach area would be safer, with better surveillance both by users and police, with the introduction of the breezeway. It would also be cleaner, with less vagrancy and vandalism, due to increased use. Several residents felt that the breezeway was long overdue, and that its implementation should be pursued as quickly as possible.

However, others expressed concern about what they felt would be the loss of the peaceful, quiet, natural character of the area if the breezeway was provided.

The newly elected executive of the Hamilton Beach Preservation Committee stated that they are unanimously in favour of a pedestrian link between Confederation Park and Burlington Beach Way Park, and would like to be part of the designing and implementation phase of this project.

- Comments - As has been previously noted, the breezeway is considered desirable and appropriate for a number of reasons, including the provision of convenient access to the lakefront for all, to enable their enjoyment of this area which has special natural features. The Lake Ontario waterfront is a provincial resource, which should be treated accordingly, and there is a need for a breezeway along the Hamilton Beach to connect with the continuous waterfront trail being planned and built in adjacent municipalities.

The concerns of some residents about safety, aesthetics, privacy, distance from their property, etc., are matters which can be addressed and resolved at the detailed design stage. The Plan calls for residents to be involved in the design and implementation phases of the breezeway.

Location, Design and Access

- Submissions - Several comments were made concerning the location and design of the breezeway, and access to it. These include the following:
 - Some suggested that the bicycle path component of the breezeway be located along Beach Boulevard, and that only the pedestrian path be provided along the lakefront, within the former railway corridor, to minimize the impact on the natural character of the lakefront, and to take advantage of the available pavement width on Beach Blvd.
 - Other residents noted that cyclists, especially children, would be much safer on a lakefront breezeway, away from roadway vehicle traffic.
 - A meandering breezeway was suggested, located at varying distances from the residential properties, depending on the distance from adjacent homes, and the width of the sandy beach at any given location.
 - The surface treatment of the pathways was recommended to be done using materials such as natural stone, rounded beach stone, chipped wood or bark, rather than asphalt, in order to preserve the natural Beach character as much as possible.
 - However, the need for a pathway surface capable of accomodating bicycles, wheelchairs and similar wheeled vehicles was also noted.
 - It was asked what amenities would be provided for users of the breezeway, such as washrooms, changerooms and garbage containers, and where these would be located. It was felt by some residents that sufficient such facilities should be provided along the length of the Beach, not just at the ends.
- Comments - The above suggestions may have merit. However, the Neighbourhood Plan at this point only deals with the concept of a breezeway. Details are to be developed during the implementation of the Plan. Therefore, these comments should be considered at the time the detailed plans are prepared for the breezeway, in conjunction with residents. In terms of location, there should be some flexibility in the exact alignment of the breezeway, including the possibility of a meandering route. It should be noted that the breezeway will cover a significant area, and therefore may be subject to a variety of treatments and alignments.

2) Residential

Density

- Submission - A resident asked whether the attached housing designation could be spread out more throughout the neighbourhood, in areas of vacant land, rather than being concentrated in the center of the Beach.
- Comment - Consideration was given earlier to the inclusion of other attached housing areas throughout the neighbourhood. In fact, the 1987 Beach Concept Plan included a number of such areas on the bay side, throughout much of the Beach. It was decided during the plan preparation process to restrict the attached housing areas to the higher-density Beach Centre, to reduce possible land use conflicts within existing single family areas.

3) Canal Recreational

- Submission - It was noted that better access to the lakefront and parking is needed in the vicinity of the Canal, for people who wish to fish from the piers. At present it is very difficult to get into this area by car.
- Comment - The use of lands in this area for recreational purposes is recognized in the proposed neighbourhood plan. Potential areas for parking have been identified in the vicinity. The development of such facilities was not felt to be appropriate until the long term use of lands in the area had been established, by the adoption of the neighbourhood plan.

4) Commercial

- Submission - Concern was expressed in one submission about what was felt to be an expansion of the existing commercial areas, in the center of the Beach, in the vicinity of the used car lot.
- Comments - The proposed neighbourhood plan does not designate any additional lands for commercial purposes in this vicinity, beyond those presently zoned for commercial uses. In fact, the neighbourhood plan as a whole restricts commercial areas to only those areas currently zoned for commercial use, in almost all parts of the Beach, with two minor exceptions near the ends of the neighbourhood. The Plan recognizes a hierarchy of commercial uses, meaning that the locations of different intensities of commercial use are identified, to help ensure development of these lands which is compatible with adjacent uses.

5) Long Term Acquisition

- Submissions - The Hamilton Region Conservation Authority still has a concern related to the designation in the proposed plan of lands at the south end of the Beach. They feel that the area on the lake side which includes the 12 properties closest to Van Wagner's Road, should be designated for open space purposes in the long term, rather than low density residential. This area is opposite the bay side lands designated in the proposed plan for green buffer purposes, and identified as a potential area for parking for lakefront users. The H.R.C.A. feels that it would be more suitable to provide such an amenity area on the lake side, to

reduce conflicts between vehicles and pedestrians crossing the street to access parking and possibly washrooms.

- Comments - The designation of these lands for open space purposes has been considered in previous versions of the draft Beach neighbourhood plan. The residential designation of these lands was retained, in order to minimize the impacts on existing Beach residents of additional properties designated for long-term acquisition. This was a decision made with input from the Beach Advisory Committee, who expressed concerns about the uncertainty associated with such long-term designations, and their possible impact on property maintenance and resulting residential character.

The properties which the H.R.C.A. wish to see designated open space at the south end of the Beach represent a well-maintained and viable residential area, and provide affordable housing to approximately 15 households. It is felt that the parking and amenity area on the bay side in this vicinity provides a sufficient open space node here. The presence of a nearby traffic signal, and the diversion of much through traffic to Eastport Drive, reduces the anticipated vehicle/pedestrian conflicts. If the demand for parking in this area should prove to exceed the available supply, then the open space designations in this area could be reviewed at a later stage.

It is noted that the five properties which have been designated in the Plan for long-term acquisition, along the Q.E.W. green buffer and in a lake side park area, have already caused much concern for residents, even though it has been explained that these properties are to be acquired on a willing seller - willing buyer basis. The circles used on the proposed plan map to designate these 5 homes have been removed, since anticipated property acquisition is not shown on Neighbourhood plans for other areas. However, the intent to acquire these five properties in the long term remains the same.

COMMENTS:

The proposed Hamilton Beach Neighbourhood Plan has been modified to take into account concerns arising from the public meetings and subsequent submissions. The submissions from the most recent public meeting have relevance for the detailed design phase of the plan implementation, and should be considered at that time.

CONCLUSIONS:

On the basis of the foregoing, the proposed Hamilton Beach Neighbourhood Plan, as contained in Appendix 1 (text and maps), and the related Official Plan Amendment, should be adopted.

V.G.:ns
HAMBESU1

Hamilton Beach

Neighbourhood Plan



LOCAL PLANNING BRANCH
PLANNING AND DEVELOPMENT DEPARTMENT
REGION OF HAMILTON-WENTWORTH

MAY 1992

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HAMILTON BEACH NEIGHBOURHOOD PLAN

I PURPOSE

The Hamilton Beach Neighbourhood Plan has been prepared to provide a guide for the future development of the Beach. It defines the location and density of each land use type, and provides a description of the manner in which these uses are to be developed. The plan builds on the many positive features of the Beach, such as its natural features, unique character and variety of housing types.

II BACKGROUND

Hamilton Beach is a 4.5 km (2.8 mile) long strip of land, 138 hectares (340 acres) in area, which extends between east Hamilton and the boundary with Burlington at the Ship Canal. The residential neighbourhood varies between 200 m and 300 m (650 - 1,000 ft.) in width. The area is presently home to over 1,170 people, living in 480 dwelling units, of which about 70% are single family homes and the remainder converted duplexes, triplexes, etc. About 68% of the housing units are owner occupied.

The Beach is a readily identifiable neighbourhood, physically separated from other residential areas in Hamilton. It has a strong sense of community and history, a variety of attractive architectural styles within the setting of lake views and Beach front, and an active neighbourhood association.

These lands have always provided an important strategic link, since they form part of a land bridge between east Hamilton and Burlington. The Burlington Canal, at the boundary of Hamilton Beach and Burlington, is the entrance to Hamilton Harbour, and thus is critical to shipping and navigation activities in Hamilton. The construction of various transportation facilities and utility corridors on the Beach, such as the former C.N. railway line, the Q.E.W. Highway/Skyway Bridge and Ontario Hydro transmission lines have helped determine the character of the Beach.

There have been many changes in the use of these lands, which have included fishing and recreation, summer cottages and a self-contained residential community. The summer homes which were prevalent at the turn of the century resulted in the formation of a permanent residential community during the decades following 1920. By the early 1960's there were numerous commercial and recreational uses within a stable mixed use community. There were also concerns at that time and more recently about quality of housing, ground water, flooding, air pollution from the Bayfront industrial area, noise from the Q.E.W., increasing traffic on Beach Boulevard, and lack of main sewers.

Flooding and septic tank malfunctions were experienced in 1973, associated with high water levels. Beach residents requested that the City consider purchasing their homes as a result of their concerns about flooding and its impact on the marketability of their properties. The area was seen as a desirable location for a lakefront park to serve City-wide needs. As a result, the acquisition of properties on the Beach was initiated during 1975, by the Province through the Hamilton Region Conservation Authority (HRCA), and the City of Hamilton.

From 1976 to 1985, 174 properties were acquired by the HRCA on a willing seller basis, at a cost of approximately \$4,000,000. The Province provided about 50 to 55% of the funding for these acquisitions. The properties were leased to the City, which was responsible for property maintenance. The Ministry of Transportation and Communications acquired approximately 95 properties, of which some were used for the widening of the Q.E.W. By the beginning of 1985, about 269 properties (40%) were in public ownership, and the remaining 416 properties (or 60%) were in private ownership.

Public opinion changed while the acquisition program was ongoing. Local citizens and groups expressed concern with the plans to acquire all Beach properties, and requested the preservation of the residential community. As a result, the acquisition program was halted in 1985, and a review was initiated of the feasibility of alternatives to full acquisition. The outcome of this review was the Hamilton Beach Concept Plan, which recommended a mixed use community.

III PLANNING POLICIES AND GENERAL PROVISIONS

The Hamilton Beach Concept Plan was undertaken in 1986 by Moore/George Associates. It was carried out under the direction of the Hamilton Beach Steering Committee, which consisted of members of City and Regional Council, Beach residents, the Hamilton Region Conservation Authority, and other municipal and Provincial staff. The Concept Plan was completed in September 1987. It confirmed the feasibility of retaining the residential community.

The Concept Plan recommended that:

- Additional housing of various densities, parks and commercial uses be introduced to supplement the existing residential community;
- A continuous pedestrian "breezeway" be developed along the lakefront as a recreation corridor linking the Canal and Confederation Park, with access points at both ends of the Beach for users from the wider region; and,
- A buffer zone be provided adjacent to the Q.E.W., and lands near the Canal be developed for open space/recreational use.

The preparation of a neighbourhood plan and amendments to the Hamilton Official Plan were also recommended. The Concept Plan was adopted by City Council in November 1987 and by the Hamilton Region Conservation Authority in May 1988.

The Official Plan for the City of Hamilton designates the Beach for "Open Space", reflecting the earlier plans for a major park. An amendment to the Plan, Hamilton O.P.A. No. 62, was prepared to revise the designation for a portion of the Hamilton Beach area from "Open Space" to "Residential". Special Policy Area 10 was revised to delete most of the Hamilton Beach area, and a new Special Policy 10a was established. Revisions to the policies ensure that appropriate shoreline protection measures are taken within the shore front area, and that townhouses, low rise apartments and mixed commercial/residential uses are encouraged on both sides of Beach Boulevard between Kirk Road and Arden Avenue.

This amendment, Hamilton O.P.A. No. 62, is currently at the Region, awaiting appeal. The Hamilton Harbour Commissioners requested its referral to the Ontario Municipal Board. Hamilton O.P.A. No. 62 has not yet been dealt with by Regional Council, nor has it yet been referred to the Ontario Municipal Board. It will likely be referred to the Board if the objection cannot be resolved. To implement the Beach Neighbourhood Plan, Hamilton O.P.A. No. 62 is to be repealed, and a new O.P.A. is to be approved, reflecting the changes to the land use concept and special policy areas.

There is also an associated Regional O.P.A. No. 44, to amend the Regional Official Plan to reflect the Hamilton Beach Concept Plan, to which an objection had been received. Recent correspondence from the H.H.C. indicates their intent to withdraw their objection to Regional O.P.A. 44.

It should be noted that certain lands within the Hamilton Beach Neighbourhood are owned by the Hamilton Harbour Commissioners. Development of these and other lands within the Beach are affected by the mandate of the H.H.C. It is recognized that the Hamilton Harbour Commissioners have the paramountcy to regulate and control all lands within the Hamilton Harbour for shipping and navigation purposes.

A neighbourhood plan was required to refine the land use plan and policies of the Hamilton Beach Concept Plan. The neighbourhood plan addresses issues such as the types and location of different residential uses, which were included in the Concept Plan as ranges of options. It also defines the land use pattern in the Beach Centre, the higher density area. It defines the types and locations of commercial uses; the nature of open space areas, including the facilities within the waterfront recreation area, QEW buffer and local parks; the approaches for the acquisition and sale of property; heritage preservation measures; and urban design.

IV NEIGHBOURHOOD PLANNING PROCESS

The neighbourhood planning process ensures that the public and other stakeholders are fully involved in plan preparation. This process, as outlined in the flowchart in Appendix A, includes:

- Collection and compilation of background information on all relevant planning aspects;
- Establishment and meetings of an Advisory Committee consisting of residents, property owners, politicians, staff and others to review background information, hear technical presentations, identify planning issues and formulate proposed strategies;
- Preparation of draft plan (proposed land use options and draft policies) derived from discussions and presentations to the Advisory Committee;
- Review of draft plan by technical departments and the Advisory Committee;
- Presentation of draft plan at public meeting to invite comments from the general public;
- Adoption of final Neighbourhood Plan by Planning and Development Committee and City Council; and,

- Implementation of Neighbourhood Plan by means such as amendments to Official Plan, Zoning By-Law, and actions by municipal departments and any other affected agencies.

Ten meetings of the Hamilton Beach Advisory Committee were held between February and August, 1989. The Committee membership and meeting schedule is included in Appendix B. The members provided extensive feedback and recommendations concerning the many relevant issues such as housing densities, parkland, open space, heritage, etc., and also met later to review the draft plan. A detailed review of the need for playground facilities and equipment was undertaken by a committee of residents and Parks staff.

A draft neighbourhood plan was prepared based on the Advisory Committee's review of the issues. This plan was presented at the public meeting held on September 30, 1991. The draft plan was revised by staff, based on the comments received from municipal departments and agencies and the public, to develop the final proposed plan for the consideration of Committee and Council.

The policies which comprise the Hamilton Beach Neighbourhood Plan are contained in the following section. The land use map and open space schedule which complete the plan are contained in Appendices C and D, respectively.

Following its approval, the implementation of the plan will involve the municipal departments and agencies considering and/or carrying out the policies as included in the plan. It is proposed that the Beach Advisory Committee would continue to have an advisory role in the implementation process.

V NEIGHBOURHOOD PLAN

1.0 RESIDENTIAL

1.1 Goal

Hamilton Beach will be developed to retain the existing sense of community and low rise character, to allow for compatible growth to take advantage of new municipal services, and to provide a variety of housing types for households of different needs.

1.2 Policies

1.2.1 Single and Double Residential

- Permitted uses will include one and two family dwellings, similar uses and accessory uses as specified by the zoning by-law for individual districts.
- Larger lot infill with lot widths of approximately 15.0 m (50 ft.), will be located in areas of existing larger lots, particularly at the Canal (north) end of the Beach.
- Smaller lot infill with lot widths of approximately 10.0 m (33 ft.), will be located in areas of existing smaller lots, especially on the Bay (west) side of Beach Blvd., and close to the Beach Centre. This is the mixed-use area located on both sides of Beach Boulevard from Arden Avenue to Kirk Road. Modified zoning would be required to permit smaller lots.
- Densities will range from approximately 18 - 30 dwelling units per net hectare (7 to 12 units per net acre), depending on the area and size of lots.
- The shape and configuration of new lots as well as their size and building setbacks, may be adjusted to reflect the density and configuration of existing development in the immediate vicinity.
- Various housing styles will be encouraged, as much as possible, to reflect or complement the historical waterfront character of the Beach community.
- Building heights will be limited to a maximum of two and a half storeys, as specified by the zoning by-law for individual districts.
- In a location where there are currently many single and double family dwellings, and/or in a location outside the Beach Centre, additional areas of "single and double" residential development may be permitted. This would require amendment(s) to this plan.

1.2.2 Attached Housing

- Permitted uses will include townhouse dwellings, street townhouses and associated uses as specified by the zoning by-law.
- These areas will be located within or near the Beach Centre, on the Bay side of Beach Boulevard.
- Densities will be approximately 35-45 dwelling units per net hectare (14 - 18 units per net acre).
- Housing styles will be encouraged, as much as possible, to reflect or complement the existing character of the Beach, and to blend in with the existing and proposed low density housing in the vicinity. This will be addressed at the site plan stage, where applicable.
- Building heights will be limited to a maximum of two and a half storeys.
- Amenities to be encouraged include screening and buffering to/from adjacent uses, and playgrounds and common areas, where appropriate. Site plan control will be used to guide landscaping, building location and massing.
- Townhouse developments will be encouraged to include a variety of styles and groupings, especially smaller blocks of six units or less.
- In a location on the Bay (west) side of Beach Boulevard, in areas of predominantly vacant land or land with potential for redevelopment surrounded by compatible development, and/or in a location close to the Beach Centre, additional areas for attached housing may be permitted. This would require amendment(s) to this plan.

1.2.3 Low Density Apartments

- Permitted uses will include multiple dwellings such as small apartment buildings (walkups and garden apartments), and similar uses as specified by the zoning by-law.
- This area will be located within the Beach Centre, on the Bay (west) side of Beach Boulevard.
- Densities will be approximately 35-75 dwelling units per gross hectare (15 - 30 units per gross acre).
- Housing styles will be encouraged, as much as possible, to reflect or complement the existing character of the Beach, and to blend in with the existing low density housing in the area.

- Building heights will be limited to three storeys.
- Amenities to be encouraged include screening and buffering to/from adjacent uses, and common areas where appropriate. Site plan control will be used to guide landscaping, building location and massing.
- Within the Beach Centre, on the Bay (west) side of Beach Boulevard, additional areas of low density apartments may be permitted. This would require amendment(s) to this plan.

1.2.4 General Housing Policies

- A variety of housing densities, types and tenures will be encouraged to ensure a relatively self-sufficient neighbourhood with accommodation for all age groups including singles, young couples, families, seniors and households requiring affordable housing and special needs accommodation.
- 25% of the new housing units to be provided on the Beach will be in the affordable range as defined by the Province.
- Where a property is designated for long term acquisition, consideration may be given, where appropriate, to relocating associated houses which have architectural or historical value. These could be relocated to vacant lots on the Beach, possibly by means of land exchanges. Any relocations of houses would be at the expense of the owners.
- Where a property is designated for long term acquisition, land exchanges may be considered, where these properties could be exchanged with vacant residential lots of equal value, located elsewhere on the Beach. This would enable Beach residents to relocate to within the neighbourhood.
- Home occupations are permitted within all residential dwellings in the neighbourhood, according to the requirements in the zoning by-law specifying the nature and size of these uses.
- In areas of the Beach where high noise levels may be identified as a concern, new residential dwellings will be designed and built to protect residents from noise generated by the Q.E.W. Skyway. This will be done by means of providing the required design features such as central air conditioning, double exterior walls, triple glazed windows, etc. as may be required by reviewing agencies such as the Ministry of Environment.
- New residential dwellings will be located and built in a manner to ensure adequate protection from the high water table and occasional flooding in this area. This will be done by means of the creation of an open space buffer on the Bay (west) side of the Beach, and attention to building design.

- The compatible restoration and upgrading of existing homes on the Beach will be encouraged, to ensure that the existing housing stock is maintained in good condition and in a manner compatible with the character of the area.

2.0 PARKS AND RECREATION

2.1 Goal

A co-ordinated system of parks and recreation will be developed to provide:

- A focus for recreation at the Canal lands serving tourists and community-wide users;
- A continuous recreation and pedestrian link along the lakefront between the Canal lands and Confederation Park;
- A green buffer between the residential areas and the Q.E.W.; and,
- Parks and playgrounds throughout the neighbourhood.

2.2 Policies

2.2.1 Canal Recreation Area

- The location of this area is from the Canal to south of the junction of Beach Boulevard and Eastport Drive.
- It is recognized that the Hamilton Harbour Commissioners have the paramountcy to use their lands for shipping and navigation purposes, including the lands which they own on both sides of Beach Boulevard within the Canal Recreation Area, and that these lands will be used for these purposes. Parks and recreation uses will be designed and developed to recognize shipping and navigation uses as carried out by the Hamilton Harbour Commissioners. No parks, playgrounds or other recreational uses will be located on any HHC lands, except by their approval.
- The Hamilton Harbour Commissioners, the City of Hamilton, and any other owners will be encouraged to jointly prepare a strategy for the planning and development of this area.
- Permitted uses, to serve tourist-oriented needs, include water-related and supporting recreational uses, e.g. theme park, amusement park, recreationally-oriented commercial uses, boating facilities, interpretive centres, craft centres, etc., and related parking areas.
- Facilities to serve community needs will also be permitted, including sports fields and accessory uses. These fields for baseball, soccer and other sports will be considered for the area at the junction of Beach Boulevard and Eastport Drive, on the south side.
- Comprehensive planning and development of the Canal Area will be encouraged, to ensure:

- pedestrian and cyclist links, providing access through the area, especially to the adjacent shorelines, and connecting to pedestrian and cyclist links along the Lakefront and in Burlington;
- retention and enhancement of existing features where appropriate, including the lighthouse and views;
- recognize shipping and navigation uses of the Hamilton Harbour Commissioner lands;
- parking and amenity areas for users of the lakefront recreational area and Breezeway, located on the lake side of the Beach; and,
- design and features which are complementary to recreation facilities proposed for Burlington Beach.

2.2.2 Lakefront

- The location of this area is on the Lake Ontario lakefront, along the length of the entire Beach Neighbourhood, from the water's edge to the limits of the residential district.
- A suitable agency or agencies will be requested to assume the responsibility for the design, construction and operation of this area.
- Permitted uses include parkland, open space areas, minor recreational uses and accessory uses.
- The provision of these uses and activities on the lakefront will recognize shipping and navigation uses of the Burlington Canal and the HHC lands.
- The Lakefront will provide:
 - a continuous pedestrian and cyclist link or "breezeway" along the entire length of the Beach lakefront, connecting the two major recreational focal points, namely Confederation Park and the Canal Recreation Area (and thus to Burlington Beach);
 - preservation and enhancement of the natural landscape, including shoreline protection measures, retention of wildlife habitats (terrestrial and aquatic), and of the Beach eco-system, as much as possible;
 - minimal impact on adjacent residents, assisted by planned design of the breezeway, public input into its design, use of appropriate landscaping and fencing, staged implementation, and related safety measures and policing;
 - links to local parks and playgrounds along the Beach; and,

- access points for lakefront users, including major access areas with parking space, located at both ends of the Beach, as well as access by means of numerous side streets and parks (shown on map in Appendix D).

2.2.3 Green Buffer

- The location of this area is on the Bay (west) side of the Beach, adjacent to the Q.E.W. Highway.
- A suitable agency or agencies will assume the responsibility for the design, construction and operation of this area.
- Permitted uses include natural areas, landscaping, parking and accessory uses.
- The green buffer will serve as:
 - a landscaped area providing a visual barrier between the developed neighbourhood and the Q.E.W.;
 - a means of providing distance separation between the Q.E.W. and adjacent residential uses, to help reduce the impacts of noise and air pollution;
 - an area of water collection to minimize flood and groundwater damage; and,
 - parking and amenity areas, at two or three points along the Beach (as shown on Appendix D) for users of the lakefront recreational area. These areas should be well landscaped, to be compatible with the green buffer concept.

2.2.4 Parks and Playgrounds

- These areas are located at intervals along the Beach, approximately 1 km or less apart, in order to be as accessible as possible to all neighbourhood residents.
- The Public Works Department, Parks Section will assume the responsibility for the design, construction and operation of these areas.
- Permitted uses include landscaped parkland, playgrounds and accessory uses.
- An area on the Bay side of Beach Boulevard, in the Beach Centre is designated for Parks and Playgrounds in the short term, for use as a parking area for users of the lakefront recreational area, if needed. In the long term, this site will be reviewed for community uses such as meeting rooms and educational uses such as a small school site, should this be warranted by changes in the student population. This is assuming that other arrangements can be made to accommodate the parking needs associated with the lakefront area.

- Parks and playgrounds will function as both self-contained recreational areas, and as links to the Lakefront (for those located on the Lake side of the Beach). They will be developed and upgraded as necessary to reflect the needs of neighbourhood residents.

3.0 COMMERCIAL

3.1 Goal

Commercial areas will be designated to serve a range of needs, including:

- Neighbourhood commercial areas for daily goods and services;
- Community commercial areas for goods and services required regularly; and,
- Tourist commercial areas to serve visitors and residents with specialty commercial and recreational uses.

3.2 Policies

3.2.1 Neighbourhood Commercial

- These areas are located at intervals along the Beach, preferably no more than 1 km apart, particularly in areas where there are no other types of commercial uses.
- Permitted uses include commercial establishments which generally provide goods and services for the daily needs of Beach residents, such as variety stores, hairdresser, etc. and accessory uses.
- Neighbourhood commercial areas will be designed to be:
 - in the form of small groups of establishments;
 - limited to no more than three storeys in height; and,
 - combined with a residential component, where possible.

3.2.2 Community Commercial

- These areas are located within the Beach Centre, on the Bay (west) side of the Beach Boulevard.
- Permitted uses include commercial establishments which generally provide goods and services for the weekly needs of Beach residents, such as grocery stores, drug stores, business and professional offices, etc. and accessory uses.
- Community commercial areas will be designed to be:
 - combined with a residential component, where possible; and,
 - limited to no more than three storeys in height.

3.2.3 Tourist Commercial

- These uses are located in areas near the Canal (north) end of the Beach, and within the Beach Centre.
- Permitted uses include restaurants, recreational and entertainment uses, etc. and accessory uses, to serve tourists and visitors to the Beach as well as residents.
- Tourist commercial areas will be designed to be limited to no more than three storeys in height.

3.2.4 General Policies

- Commercial uses of all types will be designed to include:
 - sufficient accessible on site parking;
 - adequate landscaping and buffering of uses from adjacent residential uses;
 - business signs and lights which are directed away from and shielded from adjacent residential uses;
 - incorporation of residential units into compatible commercial uses; and,
 - adaptive reuse, where possible, of existing buildings to retain the character of the Beach, or the use of new buildings of compatible design.

4.0 CIVIC AND INSTITUTIONAL

4.1 Goal

Community facilities of educational, cultural, religious and related types serving the residents of the Beach Neighbourhood should be easily accessible.

4.2 Policies

- 4.2.1 Existing and any future religious institutions such as churches and other places of worship will be designated Civic and Institutional. Such uses will be encouraged to provide landscaping, and to be designed so as to reflect the character of the Beach.
- 4.2.2 The Bell Cairn Employee Development Centre is designated Civic and Institutional, and will be encouraged to continue its efforts to accommodate the needs of area residents, by means such as sharing facilities, e.g. meeting rooms and parking, where possible.
- 4.2.3 The Beach Rescue Association will be encouraged to allow continued public use of its community hall, which is designated Civic and Institutional.
- 4.2.4 An area on the Bay side of the Beach Centre will be designated for Parks and Playgrounds, and used for open space and as a parking area for users of the lakefront recreational area in the short term. This area will be reviewed for community uses such as possible meeting rooms and/or educational uses in the long term, should the need arise, and assuming that other arrangements can be made for such parking. Two or more incompatible uses will not be encouraged to exist in this area at the same time.

5.0 URBAN DESIGN AND HERITAGE

5.1 Goal

The Beach will be developed with special attention to urban design principles including conservation of architectural and historical character, and compatible high quality building design.

5.2 Policies

- 5.2.1 Heritage, waterfront and green space will be considered as design elements for the redevelopment of the Beach neighbourhood. These elements will be incorporated as much as possible into the design of new and renovated buildings, street furniture and lighting, gateway treatments, etc. for the Beach as well as for parks improvements.
- 5.2.2 Gateway treatments may be considered for the two entrances to the Beach, namely the Canal Area at the northern end, and the junction of Beach Boulevard and Eastport Drive at the southern end. These gateway treatments will include features such as landscaping and landmarks which incorporate the design elements for the Beach, and which provide distinct points of entrance to this neighbourhood.
- 5.2.3 The owners of the vacant lands under the Skyway Bridge at the canal will be encouraged to beautify these lands to enhance this gateway. It is recognized that the Hamilton Harbour Commissioners own a portion of these lands, and any beautification and improvements should be done so as to preserve and enhance shipping and navigation in the vicinity of the Canal, and in the entire Harbour.
- 5.2.4 The special features which are unique to the Beach, such as the Lift Bridge, the Burlington Canal which serves as the gateway to the Harbour, views to the Q.E.W. Skyway Bridge, the lighthouse and lightkeeper's house, etc. will be addressed in the planning of parks and recreational areas, and will be given special design attention. The designation under the Ontario Heritage Act of the lighthouse and lightkeeper's house at the Canal, and the restoration of these buildings to create a feature of historical interest and interpretive value, will be encouraged.
- 5.2.5 The visual identity of the Beach Centre will be reinforced by greater density, preferably with mixed use buildings up to a maximum of three-storeys in height, pedestrian orientation, and other appropriate design features.
- 5.2.6 The treed boulevard which extends along much of the length of Beach Boulevard will be maintained, and will be enhanced and extended where possible.
- 5.2.7 Buildings which are designated under the Ontario Heritage Act will be preserved and enhanced.
- 5.2.8 Other buildings with architectural and/or historical significance, especially buildings listed by LACAC, will be preserved where possible, and enhanced by designation, where the owner is in agreement.

- 5.2.9 A Heritage Conservation District for the north-central portion of the Beach may be considered in order to retain the special character of this area, where there is presently a high concentration of heritage buildings. This would enable control over the type and scale of infill in this area, as well as the retention of existing heritage features of buildings.
- 5.2.10 The overall heritage character of the Beach will be enhanced where possible by various means to retain and recapture the historic features of the past, such as former landmark buildings, historic sites, features associated with the former Radial line such as signs indicating Station numbers, etc. This will be done by means such as historical plaques, information signs with a heritage design, street furniture and light standards which have a heritage design.
- 5.2.11 The general appearance and livability of Hamilton Beach will be upgraded by proper maintenance and improvement of facilities, including open space areas.

6.0 ENGINEERING SERVICES

6.1 Goal

Sanitary sewers will be extended to the Hamilton Beach Neighbourhood as soon as possible to replace the existing private septic systems, prior to the construction of new homes and businesses. Water services will also be upgraded as necessary.

6.2 Policies

6.2.1 Sanitary sewers will be designed and installed to serve the potential development proposed in the neighbourhood plan.

6.2.2 New development will be permitted following the installation of sanitary sewers.

6.2.3 Special funding may be sought, if considered appropriate, to assist with the costs of extending sanitary sewers to the Beach.

6.2.4 Major improvements to existing septic systems will not be permitted prior to the construction of new sewers.

6.2.5 The municipal water supply system will be upgraded by improvements on some of the side streets in the Beach neighbourhood, as determined necessary.

6.2.6 Storm sewer systems will continue to be monitored to ensure that they adequately serve the special drainage characteristics of the Beach, such as the high water table and relatively level topography.

7.0 TRANSPORTATION AND UTILITIES

7.1 Goal

Roadways and pathways for pedestrians and cyclists within the Beach Neighbourhood will be designed to provide for safe, efficient movement of vehicles and people. Utilities will be located to provide adequate service and to minimize land use conflicts with residential and open space uses, and shipping and navigation uses.

7.2 Policies

- 7.2.1 Through traffic will be directed towards major roadways, particularly Eastport Drive, and away from residential areas, by means such as roadway design and signage. Such traffic should not have adverse impacts on the industrial development within the Eastport lands.
- 7.2.2 The design of roadways, intersections and access points will be reviewed as necessary to ensure compatibility with adjacent land uses, especially in the section of Eastport Drive between the canal and Beach Boulevard, and at the south end of Beach Boulevard.
- 7.2.3 Higher density development should have access directly to Beach Boulevard.
- 7.2.4 Sufficient parking for residents and visitors will be provided for new residential development and redevelopment, with special regard to small lot infill on side streets. Sufficient parking will also be provided for other uses, such as commercial developments and the lakefront recreational area and breezeway.
- 7.2.5 The existing sidewalk system will be enhanced by new pathways, including along the proposed lakefront breezeway, to provide a comprehensive pedestrian link system. Safety and accessibility for all users, including the handicapped will be provided where possible.
- 7.2.6 Pathways for cyclists will be developed and enhanced, including along the proposed lakefront breezeway, to provide facilities to accommodate this form of travel.
- 7.2.7 Transit service will continue to play an important role on Hamilton Beach.
- 7.2.8 The Province will be encouraged to screen views and buffer noise related to the adjacent Q.E.W. Skyway, by means such as the provision of appropriate visual and noise barriers.
- 7.2.9 Dustfall in the neighbourhood should be minimized, as much as possible, especially from sources such as the winter salt and sand on the Q.E.W. Skyway or other sources which may exist.
- 7.2.1 Initiatives to study the relocation of utilities presently located along the Beach, such as the rerouting or burying of the Hydro transmission corridor and associated towers will be encouraged, as long as any changes have minimal impact on shipping and navigation uses. Existing Hydro towers and facilities will be recognized as permitted uses.

8.0 IMPLEMENTATION

8.1 Beach Advisory Committee

The existing Beach Advisory Committee, which provided input into the preparation of the neighbourhood plan, should continue to serve as a means for providing input on matters related to the implementation of the plan. The membership structure would be similar to that of the existing Advisory Committee, with the potential addition of new members. The Committee would be established subject to budget approval; and the availability of staff resources will affect the nature and operation of this Committee.

The Beach Advisory Committee would provide input to staff on matters related to the implementation of the neighbourhood plan, such as urban design and heritage initiatives, parks and recreation planning, and other recommended actions.

An alternative approach, if staff resources are limited, would be for ongoing public input into the implementation of the neighbourhood plan to be undertaken by the Beach Preservation Committee, which is the existing neighbourhood association, or a similar group, with limited staff involvement.

8.2 Policy Amendments

The Planning and Development Department, by means of the procedures required by the Planning Act and within their accepted practices, will undertake, with public participation as required:

- Amendments to the City of Hamilton Official Plan, to incorporate the approved land use plan and policies;
- Amendments to the Zoning By-Law;
- Amendments to the Hamilton Beach Neighbourhood Plan, if required in future, and periodic Plan Review; and,
- The preparation of site plan agreements.

8.3 Urban Design and Heritage

The Planning and Development Department, the Urban Design Committee and LACAC will consider the preparation of:

- Design guidelines for various land use types;
- Gateway treatments for the two entrances to the Beach, in consultation with the Hamilton Harbour Commissioners, taking into account the authority and intentions of the H.H.C.; and,

- Heritage initiatives, including:
 - inventories of heritage buildings;
 - additional designations with owner's consent;
 - notification of owners of listed buildings;
 - investigation of Heritage Conservation District plans;
 - preservation of landmarks, e.g. lighthouse; and,
 - dissemination of heritage information

8.4 Parks and Recreation

Detailed individual development plans will be prepared for the various park and open space areas, using the Beach Neighbourhood Plan for overall direction, and with consultation between the various affected agencies:

- Plans for the Canal Recreational Area and the Lakefront Area, including the design and construction of the lakefront breezeway, will be co-ordinated by a suitable agency or agencies, with the Hamilton Harbour Commissioners, recognizing the authority and intentions of the Hamilton Harbour Commissioners to regulate shipping and navigation uses.
- Plans for the Green Buffer and the Parks and Playgrounds will be co-ordinated by a suitable agency or agencies.

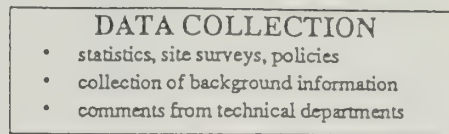
8.5 Other Ongoing Issues and Monitoring

The appropriate affected departments and agencies, through co-ordination by the Planning and Development Department where appropriate, with the Beach Advisory Committee, will review implementation measures, establish priorities and take action on:

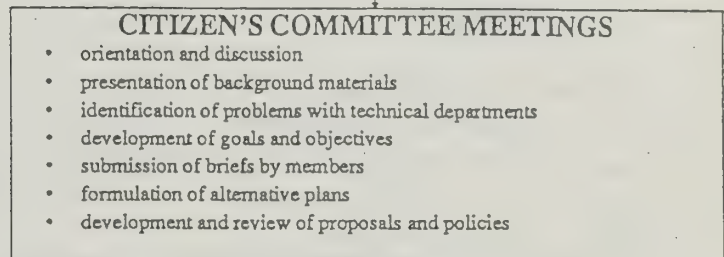
- Installation of sewers and associated infrastructure improvements, e.g. roadway upgrading;
- Strategy for property sales and acquisitions, especially for publicly-owned land, including the disposition of vacant parcels, development approvals, design briefs, development competitions and possible relocation of buildings. This will be done with input from all affected land owners, including the Hamilton Region Conservation Authority; the Hamilton Harbour Commissioners; the Ministry of Natural Resources, the Ministry of Transportation and the City of Hamilton;
- Possible funding for community improvement under the PRIDE program, with the Public Works Department and Parks Staff Committee;
- Mitigation of environmental factors such as air and noise pollution; and,
- Monitoring of need for educational facilities and recreational services.

APPENDIX "A"
NEIGHBOURHOOD PLANNING PROCESS

DATA COLLECTION



PLAN PREPARATION



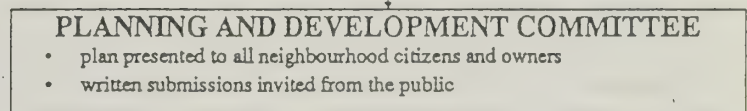
FEEDBACK FROM DEPARTMENTS



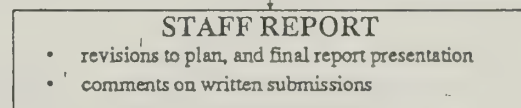
PUBLIC MEETING APPROVAL



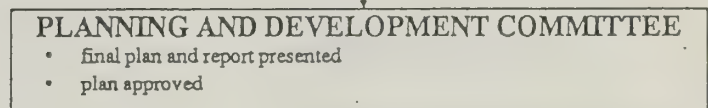
PUBLIC MEETING



STAFF REVIEW



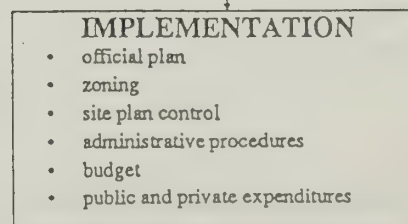
PLANNING COMMITTEE REVIEW



COUNCIL ADOPTION



IMPLEMENTATION



PLANNING AND DEVELOPMENT DEPARTMENT
HAMILTON - WENTWORTH REGION

A P P E N D I X "B"

HAMILTON BEACH ADVISORY COMMITTEE

MEMBERSHIP AND REPRESENTATION

(As of May, 1990)

MEMBERS

Reg Wheeler, Chairperson
Michael Gagnon, Vice Chairperson
Alderman Dominic Agostino, Vice Chairperson
Alderman Fred Lombardo (former)
Alderman Geraldine Copps
Alderman David Christophersen (former)
The Late Mayor Stan Napper, Stoney Creek
Linda Marshall
Bob Jaggard
Ernestine Massignani
Joanna Chapman
Robert Helwig
Dorothy Pocock
Gil Simmons
Elisabeth Nebesny
James Howlett
Sam Hobbs
Teresa Kemp
Linda Gendreau

REPRESENTING

Hamilton Beach
Hamilton Beach
City of Hamilton, Ward 5
City of Hamilton, Ward 5
City of Hamilton
City of Hamilton
Region of Hamilton-Wentworth
Hamilton Beach
Hamilton Beach
Hamilton Beach
Hamilton Region Conservation Authority
Hamilton Region Conservation Authority
Hamilton Region Conservation Authority
Citizen at Large
Hamilton Beach
Hamilton Beach
Hamilton Beach
Hamilton Beach
Hamilton Beach

STAFF ADVISORS

David Godley, Co-ordinator
Vanessa Grupe
Scott Konkle
Bob Chrystian
Konrad Brenner
Angela Cipriani

REPRESENTING

Planning and Development Department
Planning and Development Department
Hamilton Region Conservation Authority
Parks Division, Public Works Department
Engineering Department
Real Estate Division

Note: Other staff resource persons, interested residents and owners also attended occasionally.

APPENDIX "B"
(continued)
HAMILTON BEACH ADVISORY COMMITTEE
MEETING SCHEDULE AND TOPICS

<u>MEETING DATE</u>	<u>DISCUSSION TOPICS</u>	<u>RESOURCE PEOPLE</u>
1. February 9, 1989	<u>Introduction</u> Neighbourhood Plan Process; Purpose of Committee; Beach History; Community Questionnaire	Neighbourhood Planning Section, Planning Dept.
2. February 23, 1989	<u>Environmental and Economic</u> Beach Concept Plan; Air Quality; Health Factors; Sewer Construction	Moore/George Associates Ministry of Environment; Health Dept.; Engineering Dept.
3. March 9, 1989	<u>Residential Development</u> Heritage Resources; Affordable Housing Needs; Non-Profit Housing	LACAC Staff; Social Planning and Research; City Non-Profit Housing Corp.
4. March 23, 1989	<u>Community Facilities</u> Single Family Housing; Recreation Facilities; Services; Provincial Training Facility	Planning Department; Culture and Recreation; Ministry of Correctional Services
5. April 13, 1989	<u>Local Recreation and Harbour</u> Waterfront Breezeway; Hamilton Harbour Commissioners Lands; Playgrounds and Parks; Community Development Programs	Planning Department; Harbour Commissioners; Parks Division; Community Development
6. May 11, 1989	<u>Regional Recreation</u> Confederation Park; Burlington Beach Waterfront Park	Hamilton and Halton Conservation Authorities; City of Burlington
7. May 25, 1989	<u>Transportation and Police</u> Roadway Design; Traffic Safety; Defensible Design; Crime Prevention	Ministry of Transportation; Hamilton-Wentworth Police
8. June 8, 1989	<u>Presentations by Members</u> Briefs by Committee Members on five issue areas	Committee Members
9. June 22, 1989	<u>Presentations by Members</u> Briefs by Committee Members on five other issue areas	Committee Members

<u>MEETING DATE</u>	<u>DISCUSSION TOPICS</u>	<u>RESOURCE PEOPLE</u>
10. August 24, 1989	<u>Highway Noise and Playgrounds</u> Noise from QEW Skyway; Development Concepts for Playgrounds	Ministry of Transportation; Parks Division
11. May 24, 1990	<u>Draft Neighbourhood Plan</u> Overview of Plan, Review of 3 Density Options; Open Space Uses; Parking	Planning Department; Committee Members
12. June 28, 1990	<u>Revised Draft Neighbourhood Plan</u> Overview of Plan; Open Space Issues; Lots of Record; Projected Population	Planning Department; Committee Members
13. May 9, 1991	<u>Review of Draft Neighbourhood Plan</u> Discussion of Plan by Issue; Preparations for Public Meeting	Planning Department

Notes:

- Several meetings of a Playgrounds Sub-Committee were also held, beginning on May 16, 1989, and June 20, 1989, to discuss playground needs.
- A public meeting on the proposed Beach Neighbourhood Plan was held on September 30, 1991.

CITY OF HAMILTON

Hamilton Beach
Neighbourhood

PROPOSED PLAN

APPENDIX C

1 & 2 FAMILY RESIDENTIAL

ATTACHED HOUSING

LOW DENSITY APARTMENTS

NEIGHBOURHOOD COMMERCIAL

COMMUNITY COMMERCIAL

TOURIST COMMERCIAL

LAKEFRONT AREA

PARKS & PLAYGROUNDS

CANAL RECREATION

GREEN BUFFER

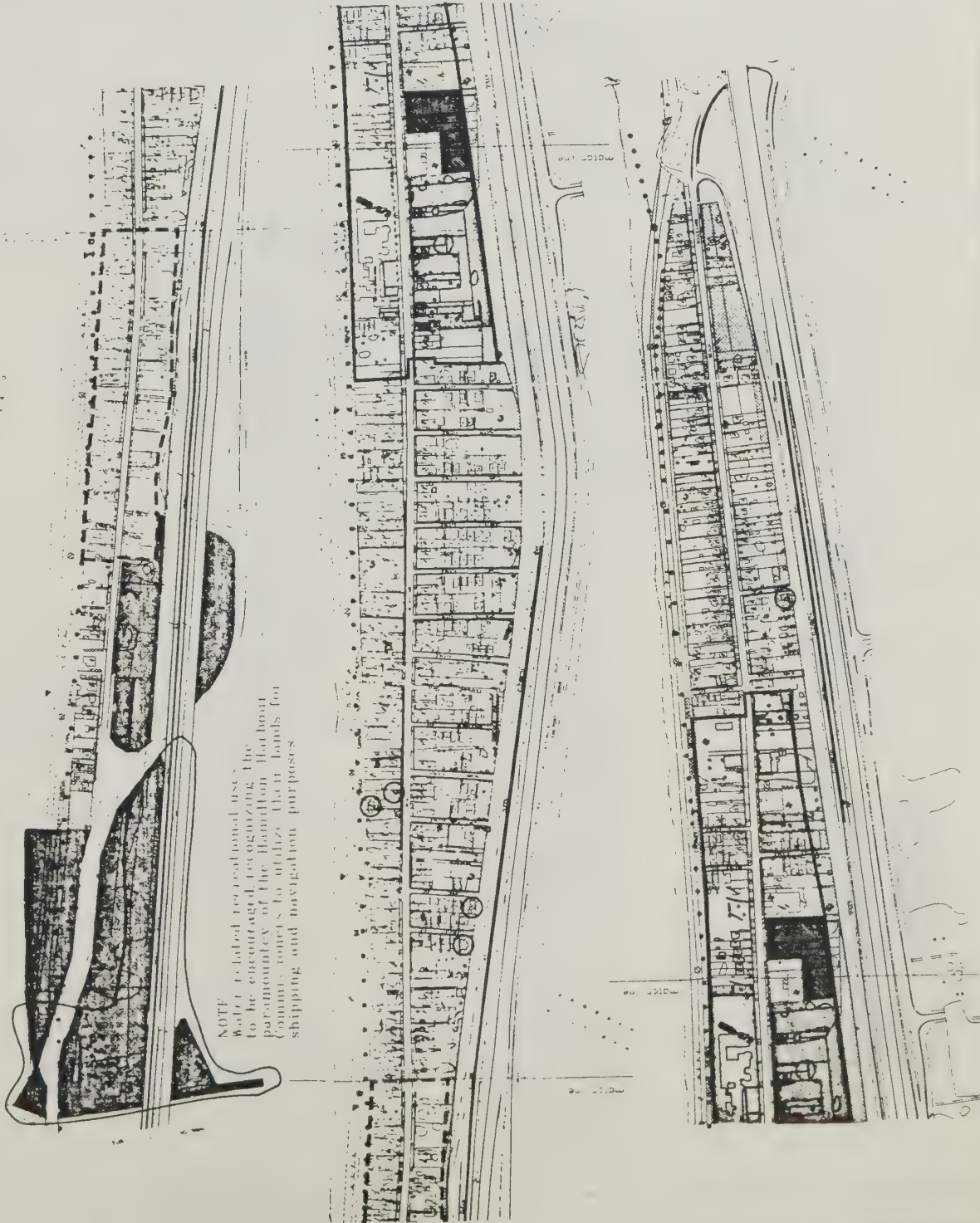
CIVIC & INSTITUTIONAL

POSSIBLE HERITAGE DISTRICT

BEACH CENTRE

LONG TERM ACQUISITION

LAKEFRONT PED/BICYCLE PATH



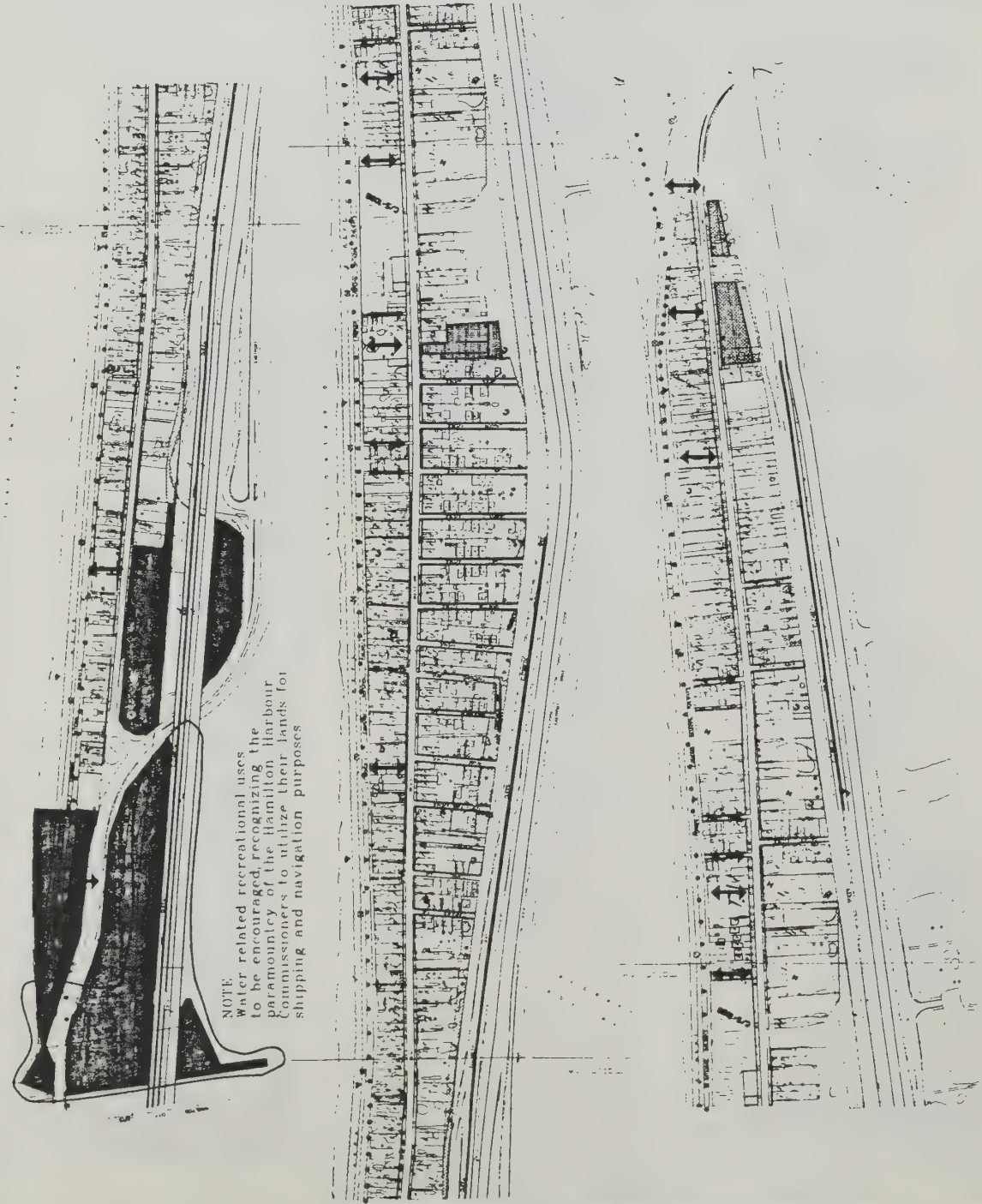
Computer Generated Drawing
Reviewed by the Planning and
Development Department
For record and Cartographic Section



0.1p May 1988

CITY OF HAMILTON
 Hamilton Beach
 Neighbourhood
 PROPOSED PLAN

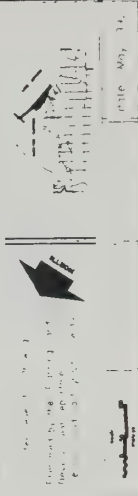
11-2-63/10-10-10



LAKEFRONT AREA
 PARKS & PLAYGROUNDS
 CANAL RECREATION
 GREEN BUFFER



APPENDIX D
 OPEN SPACE SCHEDULE
 LAKEFRONT PED/BICYCLE PATH
 ACCESS LINKS VIA
 EXISTING STREETS
 OPEN SPACE AREA
 PARKING AREA



CITY OF HAMILTON

- RECOMMENDATION -

APPENDIX 2

DATE: May 12, 1992
P5-2-60, P5-3-2-62
Hamilton Beach Neighbourhood

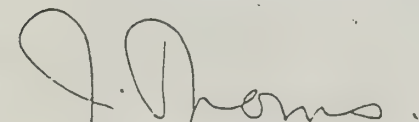
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

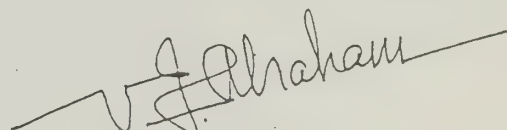
SUBJECT: Hamilton Beach Neighbourhood
- Proposed Neighbourhood Plan and Official Plan Amendment

RECOMMENDATIONS:

- A) That the City Solicitor be requested to repeal City of Hamilton By-Law No. 88-275, (By-Law of Adoption for Hamilton O.P.A. No. 62);
- B) That approval be given to Official Plan Amendment No. , to incorporate changes to Schedule "A" - Land Use Concept of the Official Plan, and to Special Policy Area 10 on Schedule "B" - Special Policy Areas, to implement the Hamilton Beach Neighbourhood Plan, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- C) That the proposed Hamilton Beach Neighbourhood Plan, attached as Appendix 1 (text and maps), be adopted by Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Sanitary sewers will be constructed to service the Hamilton Beach area during 1992 to 1994.
- The Hamilton Beach Concept Plan, completed in 1987, recommended that the Beach be developed as a mixed use area, to consist of a balance of:

- low to medium density residential uses; including existing homes and some infill single family, townhouse and apartment dwellings; and,
- open space uses; including a continuous recreation corridor with a pedestrian/bicycle path along the lakefront, connecting links to the lakefront, an open space buffer along the Q.E.W., and local parks.

This 1987 Concept Plan, prepared by Moore George proposed a combination of residential and open space uses. This concept was a major change from the previous plans for the Beach, which targeted the entire area for a City-wide park.

- A neighbourhood plan was initiated in 1989, to refine the details of specific housing types/densities, the location of commercial and other uses which the Concept Plan included as ranges and options. An Advisory Committee was established, consisting of citizens, political and agency representatives. The Committee met over a dozen times to address issues such as open space areas, housing densities, services, heritage, etc. Input from municipal departments and various agencies, as well as the Advisory Committee, have been used to prepare the proposed Hamilton Beach Neighbourhood Plan.
- The Planning and Development Committee, at their meeting of August 21, 1991, gave authorization for a public meeting to be held to discuss the proposed Neighbourhood Plan. The report prepared by the Planning and Development Department, dated August 12, 1991, provides further background.
- A public meeting was held on September 30, 1991, to discuss the proposed Neighbourhood Plan and Official Plan Amendment for Hamilton Beach. Approximately 200 citizens attended the meeting. The comments received from the public addressed a wide range of issues, including:
 - Whether or not to include lakefront pedestrian/bicycle path and connecting links to lakefront; related safety and privacy concerns;
 - Concerns of owners of homes designated for long term acquisition;
 - Process for sale of publicly-owned lands; number and size of new lots to be created;
 - Location and density of proposed townhouse and apartment sites;
 - Traffic volumes on Beach Boulevard and pedestrian safety; and,
 - Desire for school and meeting rooms.
- Submissions from the public were invited following the public meeting, and approximately 15 written submissions were received from citizens. A summary of the submissions from departments, agencies and the public on the proposed plan is provided in the next section of this report.
- The following are available from the Secretary of the Planning and Development Committee, upon request :
 - Comments on draft plan from municipal departments and other agencies;
 - Planning and Development report requesting authorization for public meeting, dated August 12, 1991;
 - Minutes of the public meeting held September 30, 1991; and,
 - Copies of letters of submission from residents, including a petition with about 30 signatures.

REVIEW OF SUBMISSIONS

The following is a summary of the major issues which have been identified in the 50+ submissions received on the proposed Neighbourhood Plan, from Departments, Agencies and the public.

1) Residential

Density

- Submissions - Generally, residents supported the residential designation of most of the Beach Neighbourhood. Some residents were concerned about the proposed attached housing and low density apartment designations. They felt these uses were not compatible with the existing character and density of the Beach, would affect the present quality of life, and would cause increased traffic and demand for parking. They requested the location, design and maintenance of any such housing be carefully controlled, to help ensure compatibility.
- Comments - The proposed attached housing and low density apartment areas are considered to be appropriate since they provide a variety of housing types to suit a range of household sizes and types. The densities which would be associated with attached housing are not much greater than the densities of the existing small lot singles in many parts of the Beach. The resulting traffic and parking demands should not be significantly different from that for single family infill. Heights would be limited to three storeys for apartments, and sufficient parking would be required on-site. Design would be regulated by means of site plan control, providing greater control for these types of housing than for single family homes, which are exempt. Design guidelines and/or design competitions might also be considered, to help ensure good quality design, especially for publicly-owned lands.

Relocation of the proposed Low Density Apartment site was considered, due to concerns raised by owners of existing housing in this area. Several alternative land use patterns were prepared for the Beach Centre area. It was determined that the long term land use pattern should remain as originally proposed, to ensure compatibility of adjacent uses.

Affordability

- Submissions - Several residents were opposed to low income or affordable housing, since they felt it was a less desirable type of housing, especially if concentrated in one area. They felt that existing Beach homes were already generally affordable, and that additional affordable housing was not required.
- Comments - The provision of new affordable housing is desirable from the viewpoint of existing and proposed municipal policies, as well as Provincial legislation, to help meet the great demand for such housing. The 1992 City of Hamilton Municipal Housing Statement Update encourages at least 25 percent of new residential development in the City to be affordable, as defined by the Province. (The Province currently defines affordable in Hamilton as homes costing up to \$147,000 to purchase, or \$810 to rent). This is to be achieved on a municipality-wide basis and reflected in the neighbourhood planning process. It should be noted that some of the attached housing and low density apartment units may also be above average in cost.

Currently, the municipality does not control the cost or tenure of development through planning regulations. All neighbourhoods are encouraged to take their share of affordable housing which, under the Provincial requirements, could include both owner-occupied and rental units.

Seniors

- Submission - One resident requested consideration of housing for seniors in the Plan.
- Comment - The written policies of the Plan encourage the provision of a variety of housing densities and types, including seniors housing. It is hoped that some of the new residential development to be provided could be for seniors.

2) The Lakefront

Breezeway

- Submissions - Comments regarding this issue ranged from the need for a breezeway, to the elimination of the potential breezeway.

Several submissions stated that a pedestrian/bicycle path or breezeway along the lakefront area is necessary to provide a convenient walkway link to enable use and enjoyment of the lakefront by the public. This opinion was expressed by the Hamilton Region Conservation Authority (H.R.C.A.), the Royal Commission on the Future of the Toronto Waterfront, Hike Ontario and the Hamilton Naturalists Club. They felt that the lakefront is a unique natural area of regional significance, which should be accessible to all regional citizens. The breezeway was included in the Hamilton Beach Concept Plan, approved by City Council in 1987, as an integral part of this mixed-use plan. Several of these commenting agencies noted the importance of a lakefront breezeway in Hamilton to link with adjacent trails in Confederation Park and in Burlington, as part of an overall lakefront trail system. It was felt by these commenting agencies that such a trail would reinforce the Beach community, and enhance property values.

However, many residents of the Beach raised concerns about the proposed breezeway, stating that the Beach should be preserved as a natural, unspoiled area without any man-made amenities. They had concerns for the safety and security of residents living adjacent to the breezeway, as well as pedestrians using it. They felt that the Beach is well used at present, without the breezeway.

- Comments - The concerns of the adjacent residents about their needs for privacy, safety and security warrant careful attention and consideration. However, the needs of the residents of the entire Region are also important. As noted in the submissions, the Beach is a unique resource to be enjoyed by all residents of the Region. Therefore, the Waterfront breezeway warrants inclusion in the Neighbourhood Plan.

Initiatives in other municipalities around the western end of Lake Ontario indicate a commitment to creating a continuous waterfront trail, which is built or being planned in many locations, to enable enjoyment of the waterfront. These initiatives include the Waterfront Trail, as recommended by the Royal Commission on the Future of the Toronto Waterfront, which is to extend from Burlington to Port Hope. The Hamilton Beach breezeway would have the unique opportunity of linking into this overall system.

The breezeway could be built in a manner which meets the needs of all parties involved, by means of:

- careful, planned design to address the concerns raised;
- public involvement in design and implementation;
- staged implementation; and,
- appropriate policing.

Location and Access

- Submissions - Alternative options and locations for a breezeway were suggested by several residents. Some felt a breezeway, if built, should be located along Beach Boulevard, rather than on the lakefront along the former railway line as proposed. Viewing or "look-out" areas would be located at the ends of several side roads, to link a trail along Beach Boulevard with the lakefront. Others suggested providing only a few unconnected sections of a lakefront breezeway. The Conservation Authority and others requested a breezeway along the lakefront, and that features to service the breezeway, such as adequate access points, connecting links, parking areas, etc. should be designated in the Plan.
- Comments - A continuous breezeway along the lakefront, rather than only sections of a walkway, or a walkway along Beach Boulevard, is considered necessary to provide a useful trail with views of the lake and to enable enjoyment of the waterfront area. The Waterfront Trail in the Toronto-centred region was designed with the intent of being located as close as possible to the lake, and the Beach breezeway should be also, to serve its purpose.

The designation of features to service the breezeway, such as access areas, connecting links and parking areas is considered to be very important, to facilitate its use and minimize impacts on adjacent residents. Accordingly, the land use plan (Appendix C within the Neighbourhood Plan document) has been modified to increase the amount of open space at the south end of the Beach. The breezeway and related features and areas, including parking areas and access points have been recognized in a separate map, Appendix D, which forms part of the Plan.

Design and Jurisdiction

- Submissions - The careful design of a breezeway was considered important, to address concerns of appearance, privacy, safety and security, and convenience, as well as preservation of the natural character of the Beach. The nature of fences, landscaping, construction materials, etc. should be considered carefully in the construction of any breezeway to overcome these concerns.

The H.R.C.A. was considered by some to be an appropriate agency to design, construct and manage any breezeway. Others felt that the City Parks Division would be more appropriate, or that the managing agency was not a critical factor.

- Comments - The design, establishment and operation of the breezeway should be carried out using the expertise of appropriate staff from several municipal departments and agencies. The design specifications, such as the surface materials, type and location of fences/gates, and types of landscaping, should be sensitive to the needs of users, residents and the natural environment, and should take advantage of opportunities to enhance and restore wildlife habitats. The design should allow for input from residents to address safety and security measures.

Jurisdiction of the breezeway should be determined in the implementation stage of the Plan.

3) Canal Recreational

- Submissions - The Hamilton Harbour Commissioners (H.H.C.) felt the Plan fails to acknowledge the role of Hamilton Harbour, and in particular, the importance of the Burlington Canal and possible impacts on related shipping, navigation and port development activities. They felt that incompatible land uses adjacent to the Canal may affect the whole of the Harbour. They outlined a number of changes which they requested be made to many sections of the proposed Plan, to recognize the paramountcy of the H.H.C. to regulate and control all lands within the Harbour for shipping, navigation and port development, and to ensure that none of the future land uses on the Beach interfere with these H.H.C. uses.
- Comment - The proposed Plan has been modified to recognize the role of the Hamilton Harbour Commissioners to a greater extent. The draft plan, which they reviewed, did include reference to the role of the H.H.C. within the Canal Recreation Area Section. Additional references have been added within the Planning Policies and General Provisions section of the Plan, and in other relevant sections, to address some of their concerns. These changes recognize the mandate of the Hamilton Harbour Commissioners to regulate and control all lands within the Hamilton Harbour for shipping and navigation purposes. The maps which indicate the proposed land use plan and the breezeway features have also been revised to reflect the H.H.C. property ownership and authority.

4) Green Buffer - Bayside along Q.E.W.

- Submissions - The Conservation Authority would prefer a wider buffer strip along the Q.E.W. than was provided for in the draft plan considered at the public meeting. This would allow for the provision of parking and amenity areas for the lakefront, minimize the impact of the Q.E.W., and reduce the possible risk of flooding in the residential area. Residents feel there should be no pedestrian/bicycle path within this buffer, as proposed in the draft plan, and no other features except landscaping should be provided, due to the proximity of the highway and noise wall.
- Comments - Additional width has been added to the green buffer near the south (Woodward Ave.) end of the Beach, to provide an area for amenities such as parking to serve users of the lakefront area. The green buffer along the remainder of the Beach has not been widened, since this would require the acquisition of additional homes, which has been identified as a concern. A pedestrian/bicycle path may be difficult to achieve along this corridor, due to the existing continuous fence along the highway, which in many cases is directly adjacent to existing properties. The 1987 Concept Plan included a wider buffer strip, with 14 homes to be acquired, rather than the 3 in the proposed Plan. Within the proposed Plan, several homes would remain, which are within about 10 to 15 feet of the fence. It is also noted that a pedestrian/bicycle path is proposed within the Lakefront area, and therefore it does not appear to be needed in the green buffer as well.

5) Parks and Playgrounds

- Submission - The City Public Works Department has requested that the area designated for the Kinsmen Park be increased to include the lands at the corner of Beach Boulevard and Lakeside Avenue. This would provide additional amenity area and visibility for the park.

- Comment - This minor addition to Parks and Playgrounds can be supported and has been included in the proposed plan.

6) Commercial

- Submissions - Some residents are opposed to the proposed commercial designations, since they feel that tourist commercial areas are not compatible with residential uses. They feel that the Beach cannot support major commercial activity, and they are concerned about possible increases in traffic and demand for parking.
- Comments - The commercial areas are intended for small scale commercial developments, primarily to serve the needs of local residents. Sufficient parking would have to be provided for all new developments, as required by the Zoning By-Law. Tourist commercial uses would have to meet zoning by-law requirements, which would help ensure compatibility with adjacent residential uses in terms of distance separation and buffering for any outdoor patios, and would provide other compatibility measures. It is noted that some commercial districts, with the exception of the "H" District, are subject to Site Plan Control, which should help address the concerns about design and fit.

7) Civic and Institutional

- Submissions - Several residents felt that a school in the neighbourhood would be desirable to provide a focus for the Beach. They also noted the lack of adequate, accessible meeting room facilities to serve the community.
- Comments - The Hamilton Board of Education and the Separate School Board have both stated they do not feel there will be sufficient students in the neighbourhood to require a school, even with the proposed new development. Therefore, the present policy of busing students to nearby schools will continue. The proposed plan designates several areas for open space, one or more of which could possibly be converted to a small school campus, if necessary in the future. However, this is not seen as likely in the foreseeable future.

The shared use of available meeting rooms by the community groups and the general public is to be encouraged as much as possible, including those at the Beach Rescue Unit Hall and the Bell Cairn Employee Development Centre.

8) Heritage and Design

- Submissions - Two residents requested that the proposed Heritage District encompass the entire Beach neighbourhood, rather than only a three block section near the Canal, to prevent division of the community. Another resident had concerns about the proposed controls on the design of new development, and the method by which these would be achieved.
- Comments - The proposed Heritage District recognizes an area within which most of the houses are considered by L.A.C.A.C. to be worthy of heritage designation for historical and/or architectural reasons. The Beach as a whole does not meet these criteria for designation as a heritage district, and thus is unlikely to be designated as a heritage district.

A detailed special study would be required to prepare the Heritage Conservation District Plan, prior to its establishment, if this is to be pursued, and would include additional public input.

The preparation of design guidelines may be considered later, to provide specific direction regarding the nature of design for new developments. This would be determined in the implementation phase of the Plan. Site Plan Control is an existing requirement for any attached housing or apartment development, and most types of commercial, which enables control over some elements of design, such as landscaping, parking and access.

9) Transportation and Utilities

- Submissions - Some residents expressed concern about speeding traffic on Beach Boulevard, and the overall volume of traffic, which they felt would increase with new development. They requested a pedestrian-activated push button stop light in the vicinity of Kinsmen Park to help ensure the safety of children crossing Beach Boulevard to get to the park. Residents noted the need to provide sufficient parking, both on-street and off-street, to serve the needs of existing and new residents, and visitors to the Beach. The Traffic Department noted that posted speed limits may not necessarily be reviewed or revised to ensure compatibility with adjacent land uses, as stated in the draft Plan. They also asked that reference to the development or enhancement of pathways for cyclists be added to the proposed Plan.

Residents felt that the Hydro lines along the lakefront should be buried underground or relocated. Ontario Hydro requested that a policy be added to the Plan, stating that electric power facilities are to be permitted in all areas of the Beach.

- Comments - In regards to the concerns about speeding traffic, Traffic Department staff feel that Beach Boulevard is operating well from a traffic perspective, with enforcement of speed limits being effective. They note that evaluation of the need for traffic control measures such as stop signs is part of the on-going function of their Department, and each request is evaluated against the appropriate criteria. They have noted that stop signs do not always have the overall effect of slowing traffic. The provision of sufficient parking should be an important requirement for new developments, and standards contained in the Zoning By-Law should be adhered to. The proposed Plan policies have been revised by deleting reference to any review of posted speed limits, and noting pathways to be provided for cyclists, as requested by the Traffic Department.

The proposed Plan encourages the relocation or burying of the lakefront hydro transmission line, although any such relocation would be the decision of Ontario Hydro and others, and funding would have to be secured to cover the extensive costs. The proposed Plan has been amended to recognize existing electric power facilities as permitted uses, within the context of the Zoning By-Law.

10) Long Term Acquisition

- Submissions - Most of the owners of the five homes designated in the Plan for long term willing seller acquisition, within the Q.E.W. green buffer and in a park area on the lake side, expressed that they do not wish to move. Some said that they would like a house to replace the one which is to be acquired.

- Comments - There is a need for some homes to be acquired, to provide a buffer to the Q.E.W., to allow for distance separation and to reduce the number of homes in flood-prone areas. There is also a need for an additional area of lakefront open space, to provide neighbourhood playgrounds and open space areas at regular intervals.

The previous Concept Plan for the Beach included a much greater number of homes to be acquired, namely 14 within the QEW green buffer and about 30 on the lakefront. This was reduced in order to minimize the impact of acquisition. However, three properties along the QEW are seen as essential to maintain the buffer concept, and two are required on the lakefront to provide a needed open space area. It is noted that acquisition will be on a willing seller / willing buyer basis, and that residents will not be forced to move or be expropriated under this scenario. Owners would be free to sell their lands to parties other than the City if they wish. The Plan reflects the long term desire of the City to acquire these properties. Expropriation is not an option.

Facilitating exchanges of homes or properties to be acquired with residential lots located elsewhere in the Beach neighbourhood would be desirable. A policy has been added that the City would assist these residents in locating other suitable housing, if desired.

It might also be appropriate to consider the acquisition of additional properties, close to the Q.E.W., if these become available at some future point, to allow some flexibility in the width of the buffer.

11) Process for Sale of Publicly-Owned Lands

- Submissions - Several residents said they would like to purchase vacant lots adjacent to their home, or some portion of them, in order to provide driveways, side yards or additional space for other purposes. Many residents would like to have the first right of refusal, or the opportunity to purchase vacant lots next to their homes, prior to these lots being offered to others. They would like to be informed when the vacant lots are being offered for sale.

The H.R.C.A. noted that half of the funds from the sale of these lands will go back to the Province, to pay for open space improvements in other areas, since the lands were originally purchased with a significant portion of Provincial funding. They feel that the funding must revert back, unless the Province agrees to direct these funds to improvements on the Beach.

They also felt that the Neighbourhood Plan must identify which properties are considered surplus and should be sold.

- Comments - The careful sale of these many parcels of publicly owned lands must be done in a manner which recognizes the extensive investment of public funds which has gone into their purchase and maintenance. It is important that the lands be sold and/or developed in a way that does not decrease their overall value. Therefore, the sale of portions of lots to adjacent owners for use as driveways and side yards may be restricted to cases where no adequate alternative parking arrangements can be made. It is possible that any lots or portions of lots which are less than a minimum lot size could be offered for sale to adjacent owners for their use in expanding their parking facilities and side yards, although there may be few such small parcels. The government agencies who own the vacant public lands may prefer to develop most of the vacant lands for infill houses, where this is possible.

The H.R.C.A. and the Province should be requested to consider re-investing their shares of the proceeds of the sale of these lands back into the Beach community, to provide

improvements funds for open space improvements such as the waterfront breezeway and related facilities.

The Plan identifies those areas which are to be developed for public open space, as opposed to residential. The exact process for the sale of surplus publicly-owned lands will be determined primarily by the affected municipal departments and agencies, in consultation with the Beach Advisory Committee. This process will involve identification of specific surplus lots and parcels.

12) Beach Advisory Committee

- Submissions - Several residents wished to become members of the ongoing Beach Advisory Committee, and asked how it would be established. One resident said that the Committee should include more neighbourhood residents and fewer representatives of the H.R.C.A. Another suggested that the Hamilton Beach Preservation Committee, a local neighbourhood association, should become the Advisory Committee, because of their long history and their wide representation from various parts of the Beach.
- Comments - The Beach Advisory Committee is proposed to provide ongoing citizen and agency input into the implementation of policies in the Beach Neighbourhood Plan. The availability of staff resources to support an ongoing citizen advisory committee is subject to future budget approval. If necessary, alternative approaches may have to be considered, such as the existing neighbourhood association becoming the agency for providing this citizen input.

Any such citizen advisory committee should include a balance of all stakeholders, including residents and non-residents (H.R.C.A., politicians, etc.), due to the Beach's role as a Regional resource, and to recognize the various land owners. Resident members would be selected to achieve a balance of geographic location.

COMMENTS:

The proposed Neighbourhood Plan for Hamilton Beach has been modified as follows to take into account the above-noted concerns:

- A lakefront breezeway, connecting links to it through open space areas and along streets, associated parking areas and other associated areas have been specifically noted in the Plan;
- The location of the breezeway and associated facilities have been indicated on a separate map, namely Appendix "D", which is attached and will form part of the Plan.
- The authority and jurisdiction of the Hamilton Harbour Commissioners, and their shipping and navigation mandate, have been further recognized by means of additional references in the Plan policies.
- The area designated for "Parks and Playgrounds" at the Kinsmen Park has been increased to include a small area at the corner of Beach Boulevard and Lakeside Avenue.
- The "Green Buffer" area designated at the south (Woodward Avenue) end of the Beach has been increased in size, to include the area between Fletcher Avenue and the ramp to the QEW.

CONCLUSIONS:

On the basis of the foregoing, the proposed Hamilton Beach Neighbourhood Plan, as contained in Appendix 1 (text and maps), and the related Official Plan Amendment, should be adopted.

V.G.:ns
HAMBESUB

CITY OF HAMILTON

Hamilton Beach Neighbourhood

PROPOSED PLAN

APPENDIX C

1 & 2 FAMILY RESIDENTIAL

ATTACHED HOUSING

LOW DENSITY APARTMENTS

NEIGHBOURHOOD COMMERCIAL

COMMUNITY COMMERCIAL

TOURIST COMMERCIAL

LAKEFRONT AREA

PARKS & PLAYGROUNDS

CANAL RECREATION

GREEN BUFFER

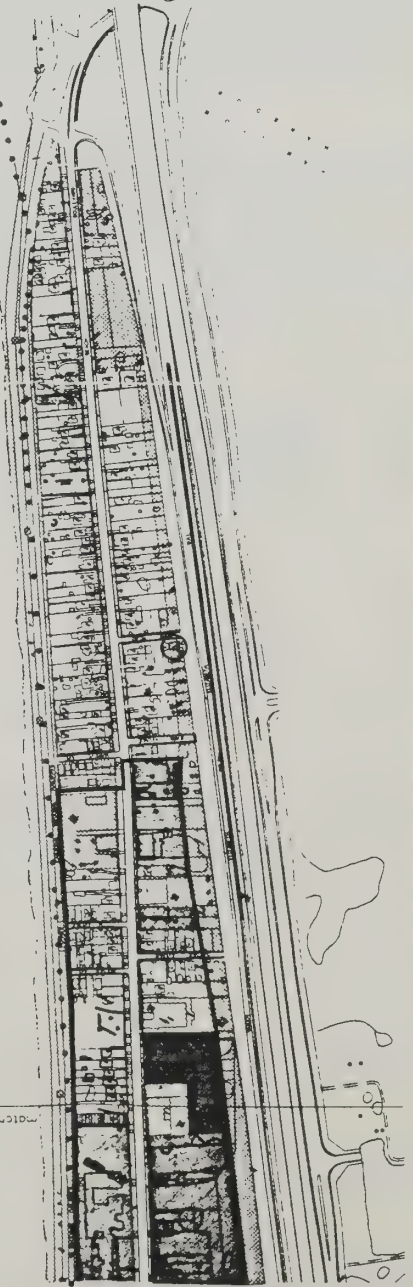
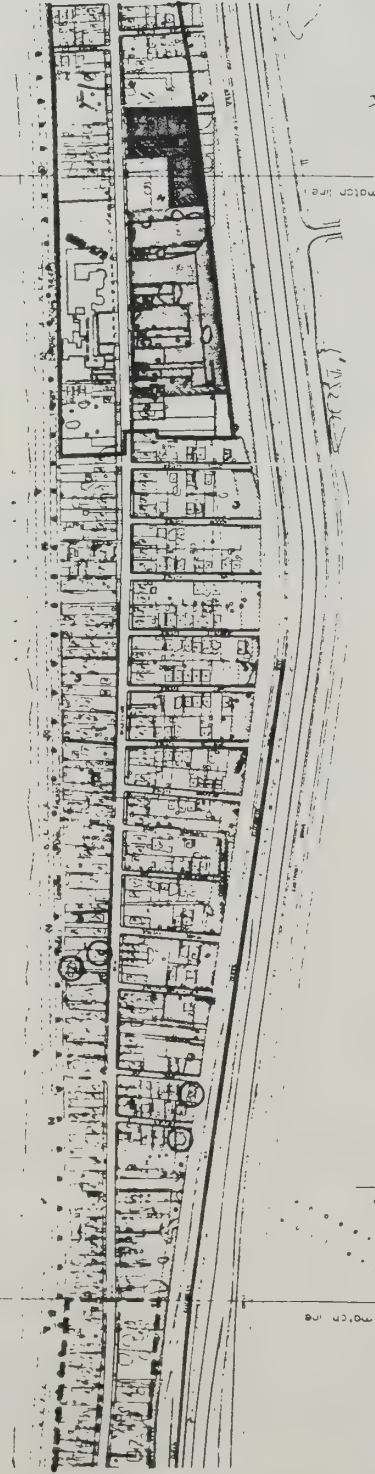
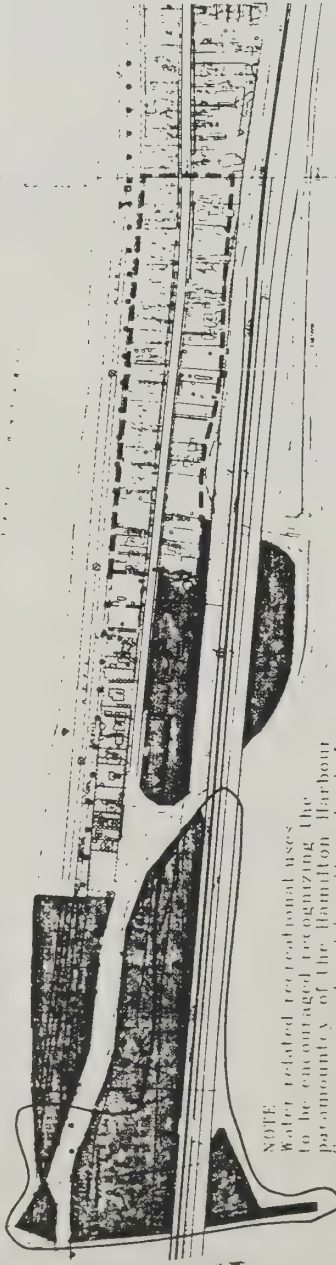
CIVIC & INSTITUTIONAL

POSSIBLE HERITAGE DISTRICT

BEACH CENTRE

LONG TERM ACQUISITION

LAKEFRONT PED/BICYCLE PATH



Computer Generated Drawing
Prepared by the Planning and
Development Department
Technical Drawing Section



date May 1992

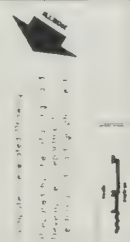
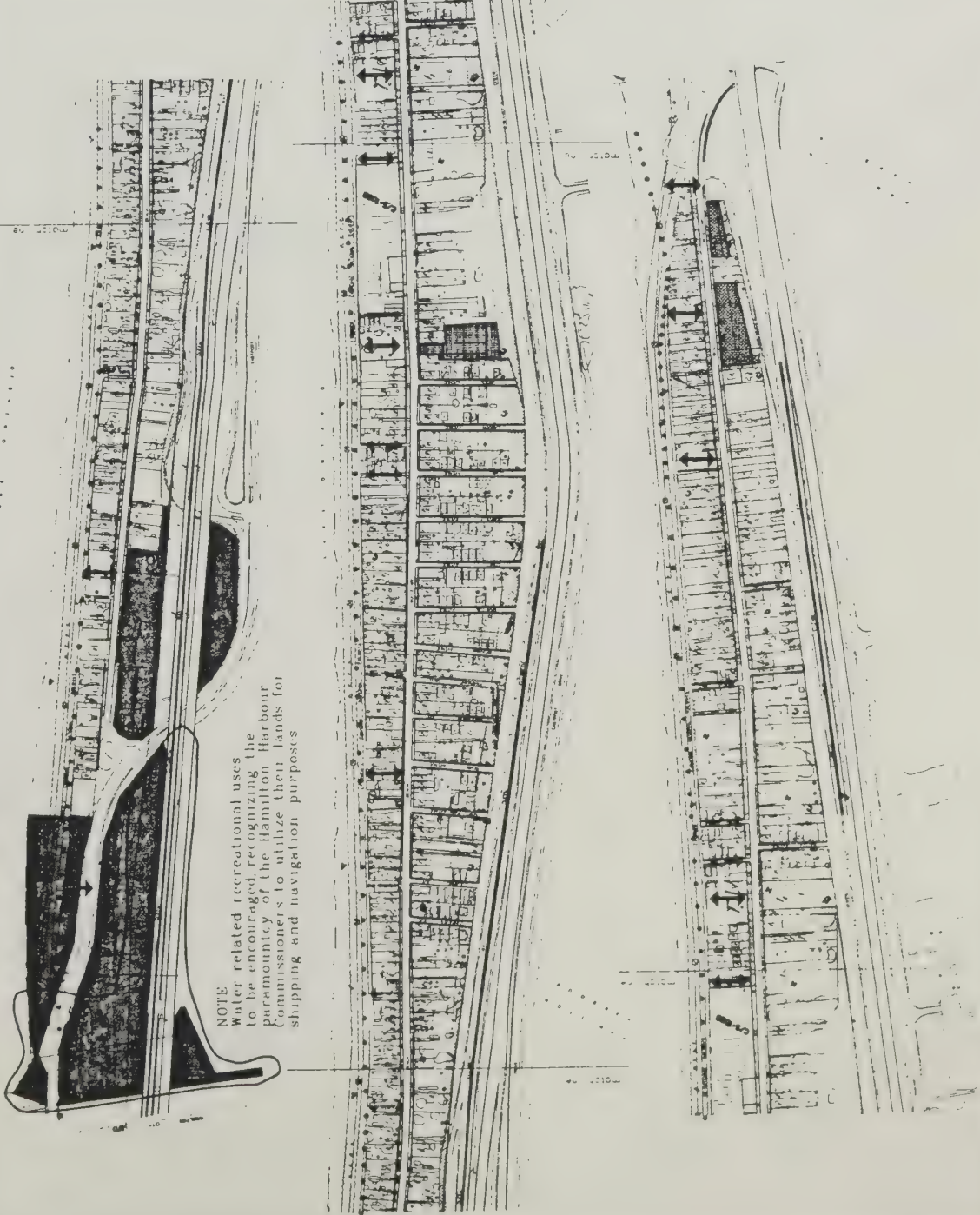
CITY OF HAMILTON
Hamilton Beach
 Neighbourhood

PROPOSED PLAN

LEGEND

- LAKEFRONT AREA
- PARKS & PLAYGROUNDS
- CANAL RECREATION
- GREEN BUFFER

- APPENDIX D
 OPEN SPACE SCHEDULE
- LAKEFRONT PED/BICYCLE PATH
 - ACCESS LINKS VIA
 - EXISTING STREETS
 - OPEN SPACE AREA
 - PARKING AREA





Judith MacAnanama
Chief Librarian

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TEL: 546-2700
FAX: 546-2095

URBAN/MUNICIPAL

C44 ON HBLA05
951P4
1992

1992 July 17

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 July 22

9:30 o'clock a.m.

Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA:

1. CONSENT AGENDA

9:40 O'CLOCK A.M.

2. DELEGATION - PETER L. HILL,
URBAN DESIGN COMMITTEE

Implementation of preliminary design for the Go Station

10:00 O'CLOCK A.M.

3. SINGLE TIER BUREAUCRACY, REVIEW STEERING COMMITTEE

Single Tier Administration - A discussion paper

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

4. City Initiative 92-B, to consider a general text amendment to City of Hamilton Zoning By-law No. 6593 to revise the definition of "Home Occupation".
5. Amended Zoning Application 91-76, Rymal Road Inc. (John A. Parente), owner, for changes in zoning from "AA" to "C" for Block "1" and from "AA" to "DE-3" for Block "2", for property located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street; Allison Neighbourhood.
6. Zoning Application 92-24, Stanley Hinz, owner, for a change in zoning from "B" to "C" for property located at No. 62 Kennedy Avenue; Kennedy East Neighbourhood.

10:45 O'CLOCK A.M.

7. Amended Zoning Application 91-83 and Draft Plan of Subdivision 25T-92002, Brusan Development Corporation, owner, for changes in zoning from "AA" to "A" for Block "1" and from "AA" to "C" for Block "2", for property located at No. 655 Rymal Road West; Carpenter Neighbourhood.

(a) Submission: J. Tomlinson, Ontario Hydro, Toronto, Ontario
8. Zoning Application 92-22, Rolando Pineda Estrabillo, owner, for a change in zoning from "AA" to "C" modified for Block "1" and for a modification to the "C" District regulations for Block "2", for lands located at No. 860 Upper Wentworth Street; Bruleville Neighbourhood.
9. Zoning Application 92-11, R. and U. Ghosh, owners, for a modification to the "C" District regulations, for property located at No. 160 Sherman Avenue South; St. Clair Neighbourhood.

Submissions:

- (a) Marilyn and Joseph Kovacich, 112 St. Clair Avenue, Hamilton
- (b) Mildred Flett, 195 Sherman Avenue South, Hamilton

- (c) Joe and Laurie Nadel, 124 St. Clair Avenue, Hamilton
- (d) Bryan Markham, 128 St. Clair Avenue, Hamilton
- (e) George Force, 156 Sherman Avenue South, Hamilton
- (f) Individual form letter (as attached) from the following people:

Mark Russell, 204 Sherman Avenue South, Hamilton
Lean Kolkin, 211 Sherman Avenue South, Hamilton
Nancy Giacomelli, 215 Sherman Avenue South, Hamilton
Tim Tom, 233 Prospect Street South, Hamilton
R. Buwalda, 215 St. Clair Boulevard, Hamilton
Katie McIntosh and Robert Helen, 201 St. Clair Boulevard, Hamilton
S. Wearing, 781 Main Street East, Apartment 5, Hamilton
G. Katarni Lou, 171 St. Clair Boulevard, Hamilton
Ligend Llefenn, 203 Delaware Avenue, Hamilton
Frank and Irene Sweden, 159 St. Clair Avenue, Hamilton
Larry and Lorraine Baatz, 151 St. Clair Avenue, Hamilton
George and Ruth Urquhart, 341 Cumberland Avenue, Hamilton
A. Gerzis, 174 Rothsay Avenue, Hamilton
Martha Schuster, 15 Roseland Avenue, Hamilton
Helen Radesch, 9 Roseland Avenue, Hamilton
Linda and Eberhard Warner, 114 Spadina Avenue, Hamilton
Mary Aduckiewicz, 1 Maplewood Avenue, Hamilton
L. Bolton, 74 Norway Avenue, Hamilton
David and Eileen Fenn, 172 Sherman Street South, Hamilton
Burton and Pat Ford, 168 Sherman Avenue South, Hamilton
Mr. and Mrs. Robert Thomas, 176 Sherman Avenue South, Hamilton
N. Budrin, 152 Sherman Avenue South, Hamilton
Joyce and Warren Mills, 117 St. Clair Avenue, Hamilton
Mike Bevington, 250 Cumberland Avenue, Hamilton
Deborah Jaremy, 272 Cumberland Avenue, Hamilton
Jay Jaremy, 272 Cumberland Avenue, Hamilton
Koyotyno Mardi, 276 Cumberland Avenue, Hamilton
Bill and Norma Christensen, 148 Sherman Avenue South, Hamilton
Patricia L. Force, 156 Sherman Avenue South, Hamilton
L. Roisager, 134 Sherman Avenue South, Hamilton
Janette Whithan, 151 Sherman Avenue South, Hamilton
Lucie Pineau-Marlou, 144 Sherman Avenue South, Hamilton
Kim Ciolozynski, 213 Delaware Avenue, Apartment 3, Hamilton
Katherine Leblanc, Ron White, 213 Delaware Avenue, Apt. 3, Hamilton
Patricia Dewar, 213 Delaware Avenue, Apt. 2, Hamilton

- (g) Alderman D. Drury (to be distributed at meeting)

11:00 O'CLOCK A.M.

10. Zoning Application 92-21, 870964 Ontario Limited (Domenic Dibernardo), owner, for a further modification to the "G" District regulations, for property located at No. 209 Limeridge Road East; Greeningdon Neighbourhood.
11. Amendment to the Official Plan and amended Zoning Application 90-40, Patran Holdings Limited, owner, for changes in zoning from "M-14" to "C" for Block "1" and from "M-14" to "RT-20" for Block "2", for property located at No. 45 Rifle Range Road; Ainslie Wood Neighbourhood.

Submissions:

- (a) Mr. and Mrs. J. Maklo, 90 Rifle Range Road, Hamilton, Ontario
- (b) Murray Kovacs, Jackson Station, P.O. Box 57088, Hamilton, Ontario

12. **CONFIDENTIAL AGENDA**

13. **OTHER BUSINESS**

14. **ADJOURNMENT**

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from - Municipal Depts & standing committees

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
170 1/2 MacNab St. N.	1992 May 6	Building	Tabled - Report Pending
ZA-89-94 Condition of Approval 820 Rymal Road West	1992 May 14	Planning	Tabled for further negotiations between 2 parties
Hamilton Beach Neighbourhood Plan	1992 May 14	Planning	To hold a public mtg.
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
Cash-in-lieu: 55 Lancing Drive	1992 June 24	Building	Tabled - Report Pending
ZA-91-12 25 Hess Street South	1992 June 24	Planning	Tabled for negotiations between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
Residential Enclaves	1992 June 30	Planning	Report to review process to rezone to residential

1992 July 17

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 JULY 22

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

- (a) Minutes of the meeting held 1992 June 24
- (b) Minutes of the special meeting held 1992 June 24
- (c) Minutes of the special meeting held 1992 June 30

B. BUILDING COMMISSIONER

Appointment By-law: Temporary Inspector

C. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) Extension of Draft Approval for "Ridgeview Estates" Subdivision
- (b) Site Plan Control Application DA-92-10 and Zoning Application ZA-91-55 for development of a parking area on lands at 131-133 Market Street

D. INFORMATION REPORT

Commissioner of Planning and Development: Approved Site Plan Control Application DA-91-75, 418 Limeridge Road East



Wednesday, 1992 June 24
9:30 a.m. O'clock
Room 233, City Hall

A a)

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman D. Ross
V. Abraham, Planning Department
P. Mallard, Planning Department
B. Janssen, Planning Department
C. Floroff, Planning Department
A. Gillespie, Planning Department
J. Sakala, Planning Department
P. Lampman, Building Department
D. Powers, Law Department
M. Watson, Property Department
J. Robinson, Building Department
J. McNeilly, Public Works Department
G. Aston, Regional Engineering
R. Karl, Traffic Department
M. Mascarenhas, Housing Department
T. Agnello, Secretary

1. 11-13 HOLMES AVENUE

(a) **Delegation - David Jardine**

Mr. Jardine explained to the Committee that the house is one of a few existing which is typical of early log homes built by the Pennsylvania Dutch. He gave a brief historical presentation of the building and family who erected it. It is believed to be the oldest structure in Hamilton by 20 years. Photos of the building were distributed by Committee members.

Mr. Lampman advised that recommendations are before the Committee to demolish the building because it is not designated.

Mr. Eamann Mcenaney who made application for the demolition permit was present. He advised that he is willing to dismantle or relocate the building to an alternate location.

Alderman Kiss advised that if possible she would like the home saved in its location but an alternative location within the west end may be acceptable.

Anne Gillespie explained that this would be the permanent home erected by early settlers after their first log house. She advised that it would not be a problem to move the home. She felt that it should be determined if this home is to remain as part of the west Hamilton history or if it is to be relocated. She submitted copies of additional information to the Committee members.

In response to a quest from Alderman McCulloch, Mr. Mcenaney agreed that the decision on removing or dismantling the building can wait for one month.

(b) **L.A.C.A.C. Report - Proposed Demolition of Early 19th Century Log House at 11-13 Holmes Avenue**

The Committee was in receipt of a report for the Secretary of the L.A.C.A.C. Committee dated 1992 June 17.

After discussion, the Committee moved to recommend to Council as follows:

- (i) That the City of Hamilton accept the offer of the owner of 11-13 Holmes Avenue to either relocate the existing building located on the property in its entirety or dismantle and store the building;
- (ii) That staff be directed to report back to the Planning and Development Committee on potential sites to relocate the building or a location where it can be stored.

(c) **Building Commissioner Demolition Reports**

As recommended by the Building Commissioner in reports dated 1992 June 11, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for 11 Holmes Avenue and 13 Holmes Avenue.

*Alderman Kiss opposed.

2. **CONSENT AGENDA**

The Consent agenda was approved in its entirety with the exception of Hb), Hc), Hd) and He) which were placed on the regular agenda for discussion.

A. **APPROVAL OF THE MINUTES**

The minutes of the meeting of 1992 May 20 were approved as circulated.

B. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Designation - Church of St. Thomas, 16 West Avenue South

- (a) As recommended by L.A.C.A.C. in a report dated 1992 June 15, the Committee recommended to Council as follows:

- (i) That City Council give approval to the "Intent to Designate" St. Thomas Anglican Church at 16 West Avenue South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983 as outlined in the Reasons for Designation attached hereto and marked as Appendix "A"; and,
- (ii) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

(b) **Heritage Permit Application - Rear Addition to Designated Building at 235 Bowman Street**

As recommended by L.A.C.A.C. in a report dated 1992 June 16, the Committee recommended to Council as follows:

That approval be given, pursuant to the provisions of the Ontario Heritage Act, 1983, for a two-storey rear addition to the former Princess Elizabeth School at 235 Bowman Street (now a Rabbinic Seminary) to accommodate a gymnasium, dining hall and additional residential accommodation, subject to the following conditions:

(i) Wall Construction

Brick Masonry - rug brick to match existing as closely as possible in size, colour and texture.

Trim - simulated stone or concrete to match existing stone trim.

Rear Wall - the rear wall of the new addition would preferably be faced with the same brick as will be used on the side walls.

(ii) Windows

Same construction as original (steel sash) with similar proportions and detailing (i.e. multiple panes with slender muntin bars).

(iii) Treatment of Base

Base line of existing building to be followed and defined in a similar manner with concrete banding.

(iv) Connection of Existing Building and New Addition

New addition to have a clear visual separation from the existing building, by means of a setback, door openings and fenestration, and, use of materials.

(v) Detailing

To echo detailing of original building, particularly through the use of concrete banding and brick soldier courses.

C. MANAGER OF PURCHASING

Landscape Improvement, Central/Beasley P.R.I.D.E., New Beasley Park

As recommended by the Manager of Purchasing in a report dated 1992 June 15, the Committee recommended to Council as follows:

- (a) That a purchase order be issued to McLean-Peister Limited, Kitchener, in the amount of \$450,000. including all taxes and a contingency allowance of \$41,145.89, to provide landscape improvements, Central/Beasley/P.R.I.D.E., New Beasley Park, being the lowest of six tenders received.

- (b) That this expenditure be financed through Central/Beasley/P.R.I.D.E. Account No. CF5200 429102003 (\$227,000.) and Central/Beasley/P.R.I.D.E. H.I.N.T. Account No. CF5100 429002003 (\$223,000.)

- (c) That a contract be entered into satisfactory to the City Solicitor.

D. DIRECTOR OF PUBLIC WORKS

Commercial Improvement Programme - Paving of Alleyways - Westdale Village Business Improvement Area

As recommended by the Director of Public Works in a report dated 1992 June 16, the Committee recommended to Council as follows:

- (a) That, within the Westdale Village B.I.A., the first alley south of King Street West from Newton Street to approximately 22 metres westerly be paved under the Commercial Improvement Programme at an estimated cost of eight thousand, eight hundred dollars (\$8,800.) plus contingencies; and,
- (b) That the Commissioner of Transportation and Environmental Services be authorized to construct these works on behalf of the City of Hamilton, once all necessary approvals have been received.

E. SENIOR DIRECTOR, ROAD DEPARTMENT

Cash-in-lieu of 5% Parkland Dedication

Kingsview Estates - Phase 1

Rymal Square Estates - Phase 1

Rymal Square Estates - Phase 2

As recommended by the Senior Director, Roads Department, in a report dated 1992 June 3, the Committee recommended to Council as follows:

- (a) That the City of Hamilton accept the sum of \$12,642. as a cash payment in lieu of the 5% land dedication in connection with Kingsview Estates-Phase 1, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Kingsview Estates-Phase 1 are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood.

- (b) That the City of Hamilton accept the sum of \$22,740. as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates-Phase 1, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Rymal Square Estates-Phase 1 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

- (c) That the City of Hamilton accept the sum of \$33,000. as a cash payment in lieu of the 5% land dedication in connection with Rymal Square Estates-Phase 2, Hamilton, being the cash payment required under Section 51 of the Planning Act.

The lands of Rymal Square Estates-Phase 2 are located south of Stone Church Road East and east of Upper Wentworth Street in the Butler Neighbourhood.

F. DIRECTOR OF PROPERTY**Release of Construction Covenants - Wentworth Tile and Terazz Ltd., 200 Nebo Road, Hamilton**

As recommended by the Director of Property in a report dated 1992 May 26, the Committee recommended to Council as follows:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 200 Nebo Road, Hamilton from the construction covenants to the City as contained in Instrument Number 61879 L.T., registered on 1977 September 15.

G. BUILDING COMMISSIONER**(a) Heritage Programme - 455 Bay Street South**

As recommended by the Building Commissioner in a report dated 1992 May 20, the Committee recommended to Council as follows:

That a Designated Property Grant in the amount of one thousand and fourteen dollars (\$1,014.) be provided to Mr. Ian Bailey, 455 Bay Street North, Hamilton.

(b) Heritage Programme - 150 Queen Street South

As recommended by the Building Commissioner in a report dated 1992 June, 10, the Committee recommended to Council as follows:

That a repayable loan under the Community Heritage Trust Fund in the amount of one thousand, four hundred and thirty dollars (\$1,430.) be approved for David W. Batrick, 150 Queen Street South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of one thousand, four hundred and thirty-one dollars (\$1,431.) be provided to David W. Batrick, 150 Queen Street South, Hamilton.

(c) Commercial Facade Loan Programme - 321-341 Ottawa Street North and 1078 Barton Street East

As recommended by the Building Commissioner in a report dated 1992 June 12, the Committee recommended to Council as follows:

That a Commercial Facade Loan in the amount of thirty-nine thousand, six hundred and ten dollars (\$39,610.) be approved for Joseph Fiochio, 321-341 Ottawa Street North and 1078 Barton Street East, Hamilton. The interest rate will be 3-5/8 percent, amortized over 10 years.

- (d) Demolition of: 492 Burlington Street East
208 Welbourn Drive
1505 Upper James Street
487 Burlington Street East

As recommended in various reports by the Building Commissioner dated 1992 June 11, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue demolition permits for the following:

- (a) 492 Burlington Street East
- (b) 208 Welbourn Drive
- (c) 1505 Upper James Street
- (d) 487 Burlington Street East

H. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) **Revised terms of reference - Ferguson Avenue Redevelopment Advisory Committee**

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 11, the Committee recommended to Council as follows:

That the revised Terms of Reference for the Ferguson Avenue Redevelopment Advisory Committee, attached hereto and marked as Appendix "B", be adopted.

- (b) **Urban Design Analysis - Central Business District Study**

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 18, the Committee recommended to Council as follows:

- (i) That the report entitled Guidelines for an Integrated Central Business District: Focus Area prepared by John Mockrycke, Architect, be received;
- (ii) That the Planning and Development Committee give authorization to hold a Public Information Meeting to consider the report Guidelines for an Integrated Central Business District: Focus Area prepared by John Mockrycke, Architect; and,
- (iii) That staff examine appropriate mechanisms for implementation of the urban design suggestions contained in the report Guidelines for an Integrated Central Business District: Focus Area and report back to the Planning and Development Committee.

I. INFORMATION REPORTS

The Committee was in receipt of the following reports:

- (a) Building Commissioner - Demolition permit during summer months
- (b) Commissioner of Planning and Development - Approved site plan control applications

3. 820 RYMAL ROAD WEST - CONDITION OF APPROVAL - ZA-89-94

- (a) Commissioner of Planning and Development report dated 1992 March 9
- (b) City Solicitor - Confidential Information Report
- (c) Correspondence from Herman Turkstra dated 1992 May 22

The Committee was in receipt of a letter from Mr. Fothergill requesting that the item be held at the next regular Planning and Development Committee meeting since both parties are in Ontario Municipal Board hearings and are not presently available.

The Committee moved to table the matter to the Planning and Development Committee meeting of 1992 July 22.

4. BUILDING COMMISSIONER**4.1 Cash-in-lieu - 1012 King Street West
Delegation - Alderman Kiss**

Alderman Kiss advised that a meeting had been held with the applicant, staff, representatives of the Community Association and Ward Aldermen. There is no new recommendation as a result of this meeting. She advised that a petition against approval of the application has been submitted by area residents.

Alderman Cooke added that cash-in-lieu is not appropriate in this circumstance because parking cannot be provided elsewhere in the area.

Alderman Eisenberger concurred.

Alderman McCulloch advised that applicant has the matter before the Ontario Municipal Board in order to reduce the parking requirement to zero.

Alderman Merling is opposed to cash-in-lieu for parking since the City is not in a position to provide parking spaces with the money collected.

As recommended by the Building Commissioner in a report dated 1992 June 18, the Committee approved the following:

That the application by John Monaco and Angela Dioniosopoulos for the building at 1012 King Street West for payment of cash-in-lieu for twelve parking spaces be denied.

4.2 Cash-in-lieu of Parking - 55 Lancing Drive

The Committee was in receipt of a report from the Building Commissioner dated 1992 June 18.

Peter Lampman advised that the applicant is able to provide some parking spaces but they are insufficient.

Alderman Charters and Alderman Merling stated that since there is no possibility of providing parking in the area, the application should also be denied.

Peter Lampman explained that the Committee can decide to require 100% of money for cash-in-lieu or 0%.

Following discussion, the Committee moved to table the matter and directed Building Department staff to conduct a review of the present by-law with an explanation of its purpose and effect and report back to Committee with the findings.

5. LYNDA MORRIS - CORRESPONDENCE DATED 1992 MAY 29, REGARDING SAFETY CONCERNS

Victor Abraham advised the Committee that the Planning Department will be bringing forward a recommendation regarding underground parking.

6. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-90-89 for a metal warehouse addition and site improvements at 164 Limeridge Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 May 22.

A discussion ensued regarding the original Committee of Adjustment decision requiring a decorative fence as a barrier.

Alderman Merling advised that the decorative fence is to be of solid wood and is to serve as a barrier against the elements, dirt and debris. It is also to serve as a visual barrier. People were assured that dust problems would be mitigated by a solid fence.

Mr. Sakala explained that the developer proposes to erect a chainlink fence with evergreens and cedars.

Mr. Head, on behalf of the developer, felt that shrubs would be more attractive than a wood fence, less likely to be vandalized, and be cost efficient.

Alderman Charters stated that shrubs will not flourish in a high traffic area.

After discussion, the Committee resolved as follows:

That approval be given to Site Plan Control Application DA-90-89 by Hamilton Builders Supply, owners of lands known as 164 Limeridge Road East, for a metal warehouse addition and site improvements, subject to the following:

- (i) modification to the plan in relation to notes, dimensions and landscaping as marked in red on the plan; and,
- (ii) the erection of a solid wood fence as a barrier.

ZONING APPLICATIONS

7. City Initiative 82-Q, to consider a number of general text "housekeeping" amendments to the City of Hamilton Zoning By-law No. 6593

Amended Pages 17 and 25 were circulated to the members of the Planning and Development Committee.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 8, the Committee recommended to Council as follows:

- (a) That approval be given to City Initiative 82-Q, to provide for updating and clarification of Zoning By-law No. 6593, for housekeeping amendments; and,
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.

8. City Initiative 89-A, to consider general text amendments to the City of Hamilton Zoning By-law No. 6593 to establish new regulations for satellite dishes

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 9, the Committee recommended to Council as follows:

That approval be given to City Initiative 89-A to provide for amendments to Zoning By-law No. 6593, respecting the regulation of satellite dishes, on the following basis:

- (a) That Section 2.(2)H of Zoning By-law No. 6593 be amended by adding the following definition of a satellite dish:

(vica) "Satellite dish" shall be defined as a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites.

- (b) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special Requirements for Satellite Dishes"

- (13) Notwithstanding any other provision of this By-law, the following provisions shall apply to every satellite dish:

- (1) Except as provided in paragraph (2), only one satellite dish shall be permitted on every lot in a residential district, and shall comply to the following:

- (a) located only in a rear yard;
- (b) set back a distance of not less than the diameter of the dish from every side and rear lot line;
- (c) a height not exceeding 4.5 m including the support structure;

- (2) Satellite dishes shall be permitted and only located on the roof of a multiple dwelling or the roof of the principal building in a non-Residential District, and Section 2.(2)J.(ix) shall not apply to every such satellite dish.

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

9. **Zoning Application 91-57, Peter Georgakopoulos, owner, for a further modification to the "M-12" District regulations for property located at 1050 Rymal Road East; Hannon West Neighbourhood**

The Committee was in receipt of correspondence from Trans Canada Pipelines stating no objection to the proposal.

Mr. P. Georgakopoulos was present in support of his application.

Paul Mallard explained that the application before the Committee provides only 60 parking spaces whereas 113 are required. Staff recommends denial of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 4, the Committee recommended to Council as follows:

That Zoning Application 91-57, Peter Georgakopoulos, owner, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations, to permit a restaurant within the existing building, in addition to the existing catering and banquet facility, for the property located at 1050 Rymal Road East, as shown on the attached map marked as Appendix "C", be denied for the following reasons:

- (a) it conflicts with the intent of the "M" District Review which would permit such use in the "M-11" District only. In this regard, the proposal is premature pending the completion of the study;
- (b) it represents an over intensification of land use in that one hundred thirteen (113) parking spaces are required, however only sixty (60) parking spaces can be provided on site. Approval of the application would result in parking "spillover" problems onto surrounding properties and Rymal Road;
- (c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- (d) there appears to be an adequate supply of appropriately zoned lands in the Mountain Industrial Area where the proposed use could be located.

10. **Zoning application 92-13, Hillcrest Masonic Temple Corporation, prospective owner, for a modification to the established "C" district regulations for property located at 257-261 Mohawk Road West; Rolston Neighbourhood**

The president of the Masonic Temple and a representative of the Salvation Army were present.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 8, the Committee recommended to Council as follows:

- A. That approval be given to Zoning Application 92-13, Hillcrest Masonic Temple Corporation (Kenneth Schweitzer, President), owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for a lodge (masonic temple) only within the existing building, for the property located at 257 Mohawk Road West, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 9(1) of Zoning By-law No. 6593, a lodge (masonic temple) shall be permitted only within the existing building;
 - (ii) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of forty-one (41) parking spaces shall be provided and maintained on the subject lands;
 - (iii) That notwithstanding Section 18A(26), of Zoning By-law No. 6593, the access/egress driveway along the westerly property line shall be located not less than 1.5 m minimum from the common boundary with the residential district;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1275, and that the subject lands on Zoning District Map W-9 be notated S-1275;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9 for presentation to City Council;
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B. That Site Plan Control By-law No. 79-275, as amended by By-law 87-223, be amended by adding the subject Lands to Schedule "A".
11. **Zoning Application 92-15, 815488 Ontario Inc.(Nella Bradt), owner, for a further modification to the "DE-3" District regulations, for property located at 1489-1495 Upper Gage Avenue; Templemead Neighbourhood**

The applicants were present in support of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 11, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application ZA-92-15, 815488 Ontario Inc. (Nella Bradt), owner, requesting a further modification to the existing "DE-3" (Multiple Dwellings) District, to permit the development of the subject lands for four storey, 72 unit senior citizens multiple dwelling (retirement home with support services), for property located at 1489 to 1495 Upper Gage Avenue, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "DE-3" (Multiple Dwellings) District regulations as set out under Section 10C of Zoning By-law No. 6593, as amended by By-law Nos. 87-118 and 90-71, applicable to the subject lands, be further modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 2(2)A(viii) and Section 10C(1)(vi) of Zoning By-law 6593, a senior citizens multiple dwelling with not more than 72 housekeeping dwelling units shall be permitted;
 - (ii) That notwithstanding Section 10C(1) of Zoning By-law 6593;

- (1.) a central kitchen, a common dining room and lounge area shall be permitted only in conjunction with a senior citizens multiple dwelling; and,
 - (2.) an indoor amenity area of not less than 140 m² shall be provided and maintained.
 - (iii) That notwithstanding Table 1 of Section 18A, a minimum of 40 parking spaces shall be provided and maintained for a senior citizens multiple dwelling not containing more than 72 housekeeping dwelling units; and,
 - (iv) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1009b, and that the subject lands on Zoning District Map E-49D be notated S-1009b;
 - (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593, as amended by By-law Nos. 87-118 and 90-71, and Zoning District Map E-49D for presentation to City Council; and,
 - (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
12. **Zoning Application 91-12, Ivory's Restaurant, owner, for a further modification to the "E-3" District regulations, for property located at 25 Hess Street South; Central Neighbourhood**

The Committee was in receipt of correspondence from the following

- (a) Jane and Paul Rigby, 74 George Street, Hamilton, L8P 1C9
- (b) Jim Skarratt, 19 Hess Street South, Hamilton, L8P 3M7
- (c) Marion Stevens, 705-255 King Street West, Hamilton, L8P 1A8
- (d) Ivy M. Price, 255 King Street West, Apt. 601, Hamilton, L8P 1A8
- (e) Lorene Reid, 255 King Street West, Hamilton, L8P 1A8
- (f) R. Claridge, 255 King Street West, Apt. 404, Hamilton, L8P 1A8
- (g) Jessie S. Miles, 255 King Street West, Apt. 312, Hamilton, L8P 1A8
- (h) Diane Lortie, 255 King Street West, Hamilton, L8P 1A8
- (i) Mr. and Mrs. A. Packer, 255 King Street West, Apt. 403, Hamilton, L8P 1A8
- (j) Lena Gallagher, Apt. 203, Hamilton, L8P 1A8
- (k) Norma Gib, 255 King Street West, Apt. 207, Hamilton, L8P 1A8
- (l) Frank Balzer, 255 King Street West, Hamilton, L8P 1A8
- (m) E. Mayer, 15 Hess Street South, Hamilton, L8P 3M7
- (n) The Vienna, 15 Hess Street South, Hamilton, L8P 3M7
- (o) The Gown and Gavel, 24 Hess Street South, Hamilton, L8P 3M8
- (p) Gordon Paul, 78 George Street, Hamilton, L8P 1C9

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 June 12.

Caroline Floroff explained that the application was originally submitted as a site plan. A second floor addition and patio is proposed. The proposal will reinforce the pedestrian atmosphere and enhance the historic nature of the property. Of 891 notices sent, 21 replied in favour and 29 replied as opposed. Various letters of opposition have been received. Noise from the front of the building will be buffered by the surrounding buildings.

Mr. Ivory, owner, and Brian McIven, Architect, were present. Mr. McIven advised that he is prepared to speak with members of L.A.C.A.C. to develop a suitable

decision for the second floor addition. He felt that the patio is in keeping with surrounding structures.

Mr. Frank Balser of the Abrey Jones building was present. He was concerned with excessive noise at late hours, vandalism and bottle throwing, and damage to vehicles in the parking lots.

Jane Rigby advised that L.A.C.A.C. has not given indication of support for the second floor addition.

Jim Skarat, owner of 19 Hess Street, explained that he does not want the character of Hess Village changed. He is also concerned that residents on the second floor of his building will be unable to sleep as a result of noise from the second storey patio. He maintained that parking and safety is also a concern for residents in the village.

Michael Temperly, owner of the Gown and Gavel, felt that a change is not in the best interests of the Hess Village. Rules are in place in order to maintain the character of a unique area.

Lorraine Lazier of 275 King Street West was also opposed to the rezoning.

Mr. Fred Rudolf, solicitor on behalf of the business owners stated that the historical merit of the village should be preserved. He suggested that the Merchant's Association meet with L.A.C.A.C. and the applicant to come to an agreement.

Following discussion, the Committee resolved to table the matter in order to allow the applicants to meet with L.A.C.A.C. and area merchants and come to a solution.

13. **Zoning Application 92-03, Harper Brothers Holding, owners, for a change in zoning from "E-1" to "CR-3", modified, for property located at 212 James Street South; Durand Neighbourhood**

The Committee was in receipt of a recommendation from the Commissioner of Planning and Development dated 1992 June 12.

The Committee was also in receipt of correspondence from the following:

- (a) F. Douglas Elliott, 17 Robinson Street, #401, Hamilton, L8P 1Y6
- (b) Petition from various neighbourhood residents
- (c) W. T. Scriven, 1508-33 Robinson Street, Hamilton, L8P 1Y8
- (d) Petition from various neighbourhood residents

John Harper was present and advised that he is changing his proposed development from 16 storeys to 12 storeys.

After brief discussion, the Committee resolved to table the matter in order to allow the Planning Department to review the amended application.

*Alderman McCulloch and
Alderman Eisenberger opposed

14. **Request for a modification to Zoning No. 547 and 549 Wilson Street and Nos. 79 and 81 Sanford Avenue North - previously tabled**

Mr. Sheahy was present on behalf of Mr. Derosa who was also present.

Mr. and Mrs. Andrews, neighbours, were also present. Mrs. Andrews distributed photos of her backyard and explained that while Mr. Andrews is in agreement with the rezoning, she is not.

Paul Mallard advised that an agreement has been reached between the neighbours and Mr. Derosa, subject to various conditions.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 16, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application 91-82, Domenico DeRosa, owner, for a modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations, to permit accessory parking on the lands shown as Block "1", and a further modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit an expansion to the rear of the existing bakery located on the lands shown as Block "2", for properties located at 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North, as shown on the attached map marked as Appendix "F", on the following basis:
 - (i) That the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - (1.) That notwithstanding Section 10(1) of By-law No. 6593 the following uses shall be permitted:
 - (a) Industrial Use:

A bakery on Block "2"
 - (b) Commercial Use:

One business identification sign that is a window sign or a wall sign that complies with the following requirements:

 - A. The total aggregate area of the sign shall not exceed 2.5 m².
 - B. The sign shall not be illuminated except by non-flashing indirect lighting.
 - (c) Accessory Use:
 - A. A restaurant having a maximum seating capacity of 12 persons on Block "2".
 - B. Parking area on Block "1".
 - (2.) That notwithstanding Section 10(3)(i) of By-law No. 6593, a front yard of a depth of at least 3.0 m shall be provided and maintained for the building located on Block "2";
 - (3.) That notwithstanding Section 10(3)(ii) of By-law No. 6593, a southerly side yard of a width of at least 0.10 m and a northerly side yard of 1.80 m shall be provided and maintained for the building located on Block "2";
 - (4.) That a landscaped area in the form of four 7.0 m² triangles shall be provided and maintained along the westerly lot line of Block "1" adjacent to the four parking spaces;

- (5.) That a minimum 1.80 m high chain link fence shall be provided and maintained along the rear 8.5 m of the northerly lot line of No. 81 Sanford Avenue North (Block "2"), and along the rear 7.9 m of the easterly lot line of Block "1";
 - (6.) That a closed board fence not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the westerly and northerly lot lines of Block "1";
 - (7.) That pedestrian access to or egress from the rear addition to the bakery /restaurant use located on Block "2" shall be prohibited;
 - (8.) That outside storage of any kind shall be prohibited on Blocks "1" & "2";
 - (9.) Except for only a rear one storey addition, the exterior of the building known as No. 81 Sanford Avenue North shall not be altered;
 - (10.) That notwithstanding Section 18A(9) of By-law No. 6593, part of the 3 required parking spaces and manoeuvring spaces shall be permitted off the lot on which the principal use, building or structure is located.
- (ii) That By-law No. 85-231, applicable to a portion of the subject lands (Block "2") be repealed;
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1276, and that the subject lands on Zoning District Map E-22 be notated S-1276;
 - (iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-22 for presentation to City Council;
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - (vi) That the Gibson Neighbourhood Plan be amended by redesignating the subject lands from "Single and Double Residential" to "Commercial".
- (b) That By-law No. 79-275, as amended by By-law 87-223 be amended by adding Block "1" to Schedule "A".

15. **PUBLIC MEETINGS TO HEAR ITEMS HE) AND HD) OF CONSENT AGENDA**

(a) **He) - Carpenter Proposed Neighbourhood Plan Policies**

Alderman D'Amico declared an interest in the matter, by virtue of his father's involvement in the sale of the land. He removed himself from the chamber and returned immediately after the item was dealt with.

The Committee was in receipt of correspondence from Carel Kippers of 723 Rymal Road West.

Sergio Manchez was present in favour of the proposal.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 17, the Committee recommended to Council as follows:

- (a) That approval be given to Official Plan Amendment No. 112 to implement the Carpenter Neighbourhood Plan by redesignating lands located in the neighbourhood from: "Residential" to "Open Space"; "Residential" to "Major Institutional"; and "Residential" to Utilities on Schedule "A" Land Use Concept, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
 - (b) That the proposed plan and policies for the Carpenter Neighbourhood be adopted by Council.
 - (c) That the Region be requested to proceed with the realignment of Upper Paradise in the Falkirk West Neighbourhood, in order to align with the proposed extension in the Carpenter Neighbourhood Plan.
- (b) **Hd) - Requested deletion of proposed walkway Draft Plan, Fontana Gardens, between 826 and 832 West 5th Street, Gourley Neighbourhood**

The Committee was in receipt of correspondence from the following:

- (i) Percy R. Hare
- (ii) B. Morison

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 9, the Committee recommended to Council as follows:

- (a) That Clause (A) in the Draft Plan of Subdivision Fontana Gardens condition be amended to delete the proposed walkway.
- (b) That the Neighbourhood Park be amended to delete the proposed walkway.

16. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control DA-91-60 to amend DA-89-45 for a 152 unit apartment building at 430 Cumberland Avenue

Alderman Eisenberger took the chair for this item.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 June 16.

In response to a question from Alderman Drury, Mr. Sakala advised that the application was received in 1991 July, and all information was received by 1992 June.

Alderman Drury requested that the matter be tabled in order that the application could be reviewed.

Replying to a question from Alderman Eisenberger, Mr. Zabroski, architect for the project, advised that any tabling will delay the decommissioning. He stated that the developer has been working with staff for a period of one year and the public has had ample opportunity for public input.

Mr. Lanzina, developer, concurred and stated that four public meetings have already been held.

After brief discussion, the Committee resolved that the matter be tabled to hold a public meeting and that a recommendation be brought forward at a special Planning and Development Committee meeting to be held at 7:00 p.m. on 1992 June 30.

17. OTHER BUSINESS

- (a) Paul Mallard verbally recommended to the Committee attendance of staff at an Ontario Municipal Board hearing and the following resolution was forwarded to Council for consideration:

That appropriate staff from the Building, Law and Planning Departments be directed to represent the City at the Ontario Municipal Board Hearing on 1992 June 28 for Committee of Adjustment Application A-91-65, No. 23 Lottridge Street. The denied application was to permit an existing converted two-family dwelling.

- (b) The Chairperson advised that a special Planning and Development Committee meeting is being held 1992 June 24 at 7:00 p.m. regarding Resential Enclaves and a special Planning and Development Committee meeting is being held 1992 July 22 at 7:30 p.m. regarding the Beachstrip Neighbourhood Plan.

18. IN-CAMERA AGENDA

The Committee moved in-camera to discuss confidential matters and reconvened with the following recommendation to Council as recommended by the Building Commissioner in a report dated 1992 May 19:

That the total outstanding Ontario Home Renewal Programme loan for Mr. J. Ramirex, 221 Fairleigh Avenue South, Hamilton, in the amount of \$1,583.84 be placed on the Tax Rolls.

19. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

Taken as read and approved,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary
1992 June 24

Appendix "A" referred to
in Section 2B(a)(i) of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24

REASONS FOR DESIGNATION

Church of St. Thomas, 16 West Avenue South

Context

The Church of St. Thomas, built in 1869-70, is located at the south-west corner of Main Street East and West Avenue South in the Stinson Neighbourhood. Although little remains along this section of Main East of the former streetscape of late 19th and early 20th century buildings, which once included First United Church, the Church of St. Thomas still serves as an important neighbourhood landmark. Today, the church presents its best appearance from West Avenue South, a residential street characterized by a pleasant mix of late Victorian housing, including the former 1870s brick rectory directly south of the church, and several early 20th century, low-rise apartments.

Architectural Significance

Designed by Hamilton architect, Albert H. Hills, the Church of St. Thomas is one of the city's major 19th century Gothic Revival churches and among the last to be constructed of stone. With its asymmetrical form featuring a square corner tower, this church is very similar in design to All Saints Anglican Church, erected three years later. Exterior additions to the original church include the Sunday School added to the rear in 1874 (now the parish hall), the upper section of the tower completed in 1883, and the extension of the chancel in 1908. These additions, all executed in stone with Gothic Revival detailing, together with the original church form a visually unified complex which has been preserved intact.

Historical Significance

Historically important as the third oldest Anglican Church in Hamilton, the parish of St. Thomas was founded in 1856 as a mission of Christ's Church to serve Anglicans from the city's growing east end. When the congregation outgrew its first church building, erected in 1857 at the corner of Wilson and Emerald Streets, the present church was built on land donated by Ebenezer Stinson.

Designated Features

Important to the preservation of the Church of St. Thomas are the original features of the north, south and east facades of the church proper, including the stone masonry walls, buttresses, chimneys and carved mouldings, the windows and stained glass, and the doorways. Excluded is the former Sunday School addition on the west side of the church.

Appendix "B" referred to
in Section H(a) of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24

**TERMS OF REFERENCE
FOR THE
FERGUSON AVENUE REDEVELOPMENT ADVISORY COMMITTEE
OF THE
CITY OF HAMILTON**

PURPOSE: To advise and make recommendations to the Planning and Development Committee of the City of Hamilton on the redevelopment of Ferguson Avenue. This committee will be established as a sub-committee of the Central Area Plan Implementation Committee and will report to the Planning and Development Committee directly.

MANDATE: The Committee is formed to facilitate the preparation of the terms of reference for the consultant study of Ferguson Avenue, to assist in the selection of the consultant, to provide feedback to the consultant as the work progresses, and to ensure the public participation component of the study. Specific issues to be examined are:

- Definition of the study area (i.e. Ferguson Avenue plus adjoining land - how far do the boundaries extend);
- Goals and objectives of the study;
- Terms of Reference for the work of the consultant.

MEMBERSHIP:

- Alderman, Ward 2;
- One citizen member and one alternate member from:
North End East Neighbourhood;
Beasley Neighbourhood;
Corktown Neighbourhood;
Central/Beasley PRIDE HINT Committee;
International Village Business Improvement Area;
Central/Beasley Neighbourhood Plan Review Committee
(when formed);
- One representative and one alternate member from CAPIC;
- One representative and one alternate member from the Urban Design Committee.

Other groups to be consulted where appropriate are:

- Centremount Neighbourhood Association
- Barton General Business Improvement Area;
- Cannon Street Business Association;

- LACAC;
- Regional Bicycle Advisory Committee;
- Citizens for Citizens;
- Municipal Non-Profit Housing Corporation;

A Chairperson and Vice-Chairperson will be elected by the members.

Staff will consist of the coordinator (a staff person from the Public Works Department - Community Renewal) and support staff from the Planning and Development Department, Traffic Department, Culture and Recreation Department, Public Works Department, Engineering Department, and Property Department. Other staff, as necessary, will be used as information sources for the committee.

QUORUM:

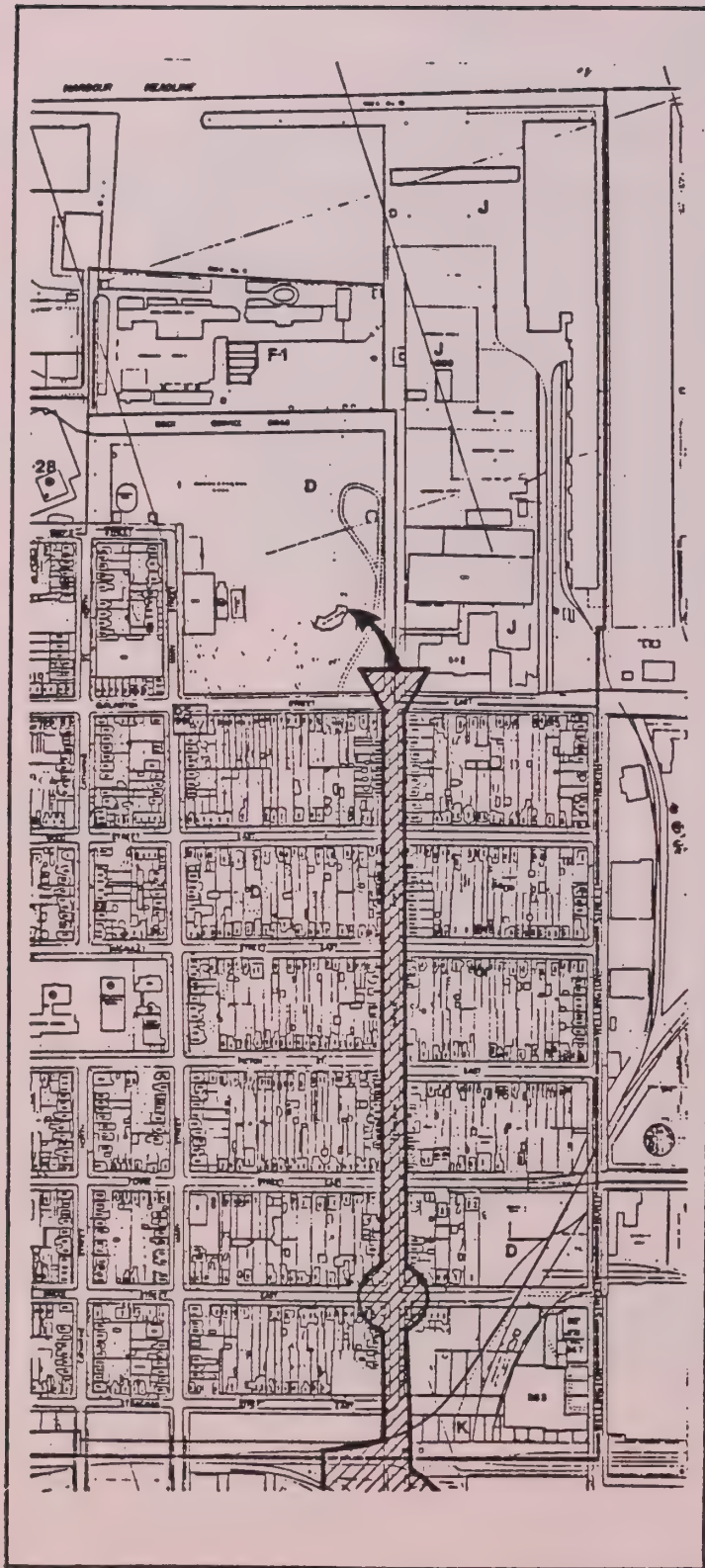
A majority of members shall constitute a quorum.

MEETINGS:

At the call of the Chairperson or as requested by a member of the Board through the Chairperson.

**REPORTING
PROCEDURE:**


The Committee will be a sub-committee of CAPIC and will report directly to the Planning and Development Committee.



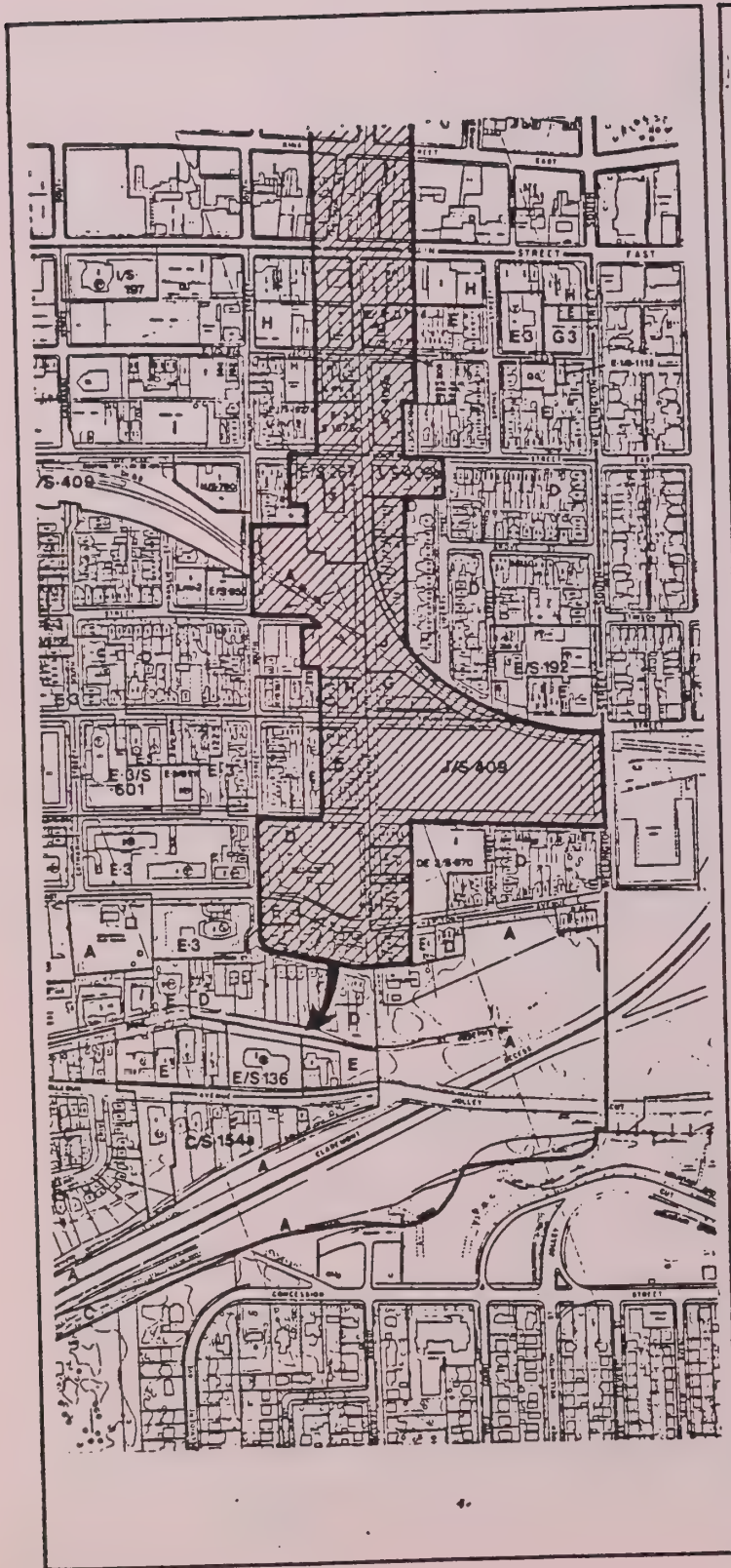
MAP 1

FERGUSON AVENUE
STUDY

PART OF
NORTH END EAST
NEIGHBOURHOOD

 Study Area Boundary





MAP 3

FERGUSON AVENUE
STUDY

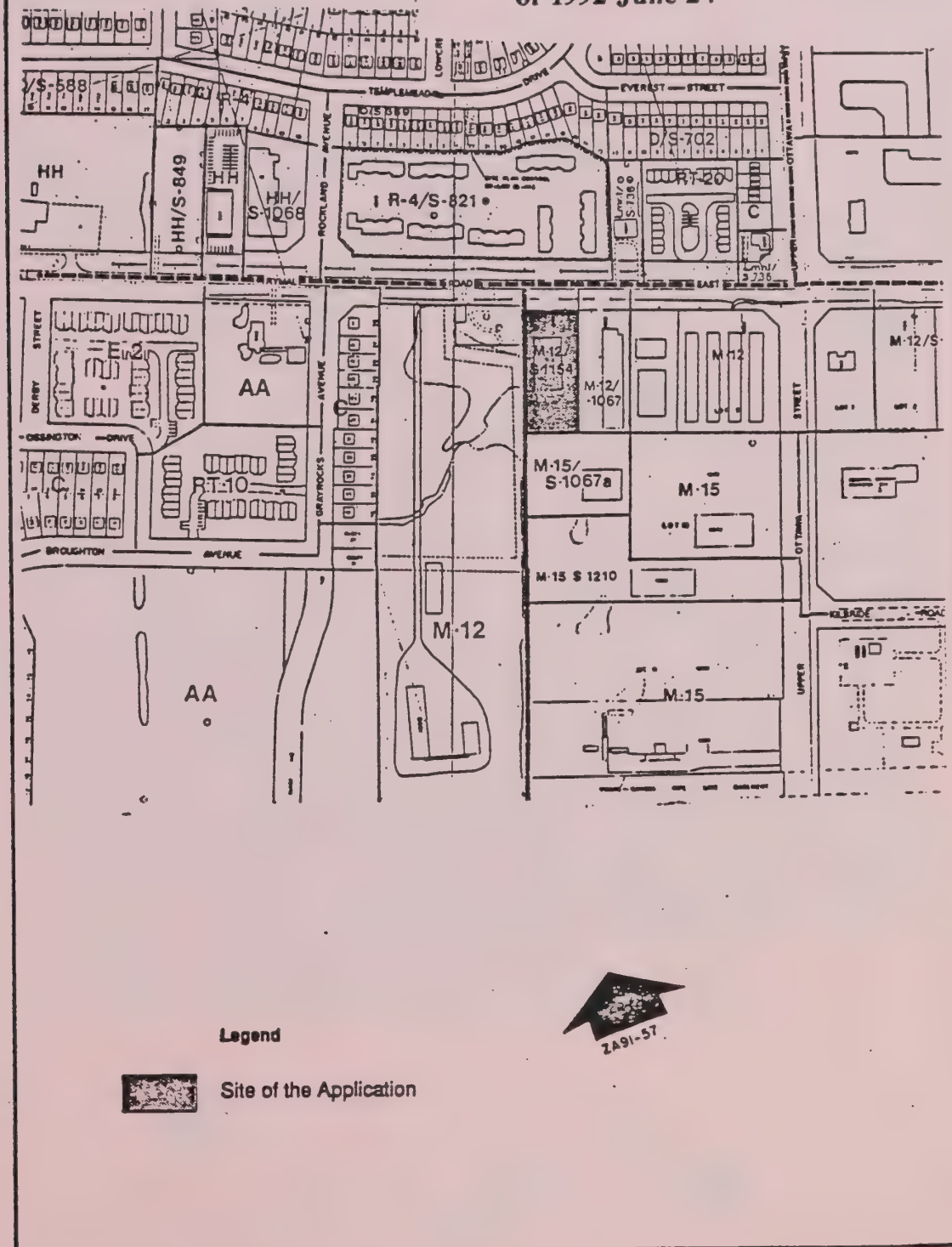
PART OF
CORKTOWN NEIGHBOURHOOD



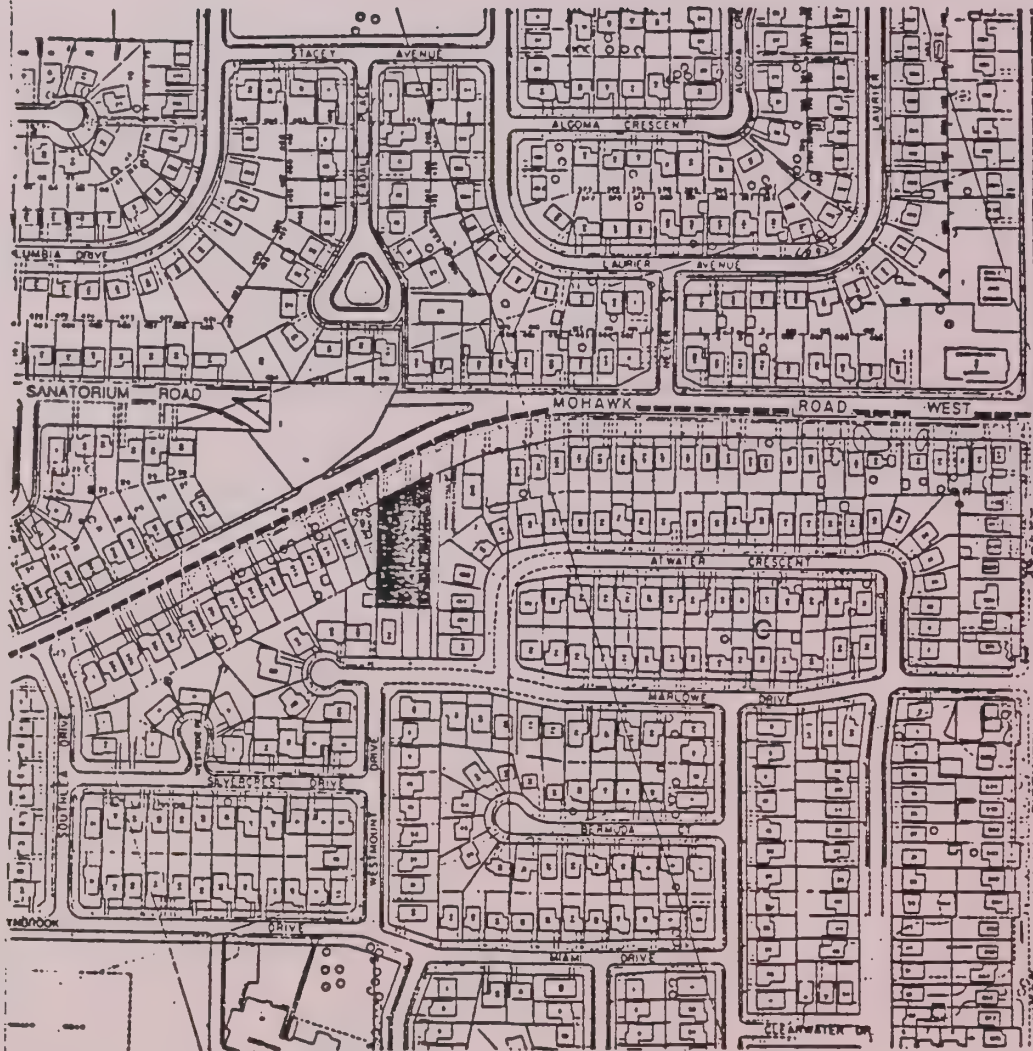
Study Area Boundary



Appendix "C" referred to
in Section 9 of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24



Appendix "D" referred to
in Section 10 of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24



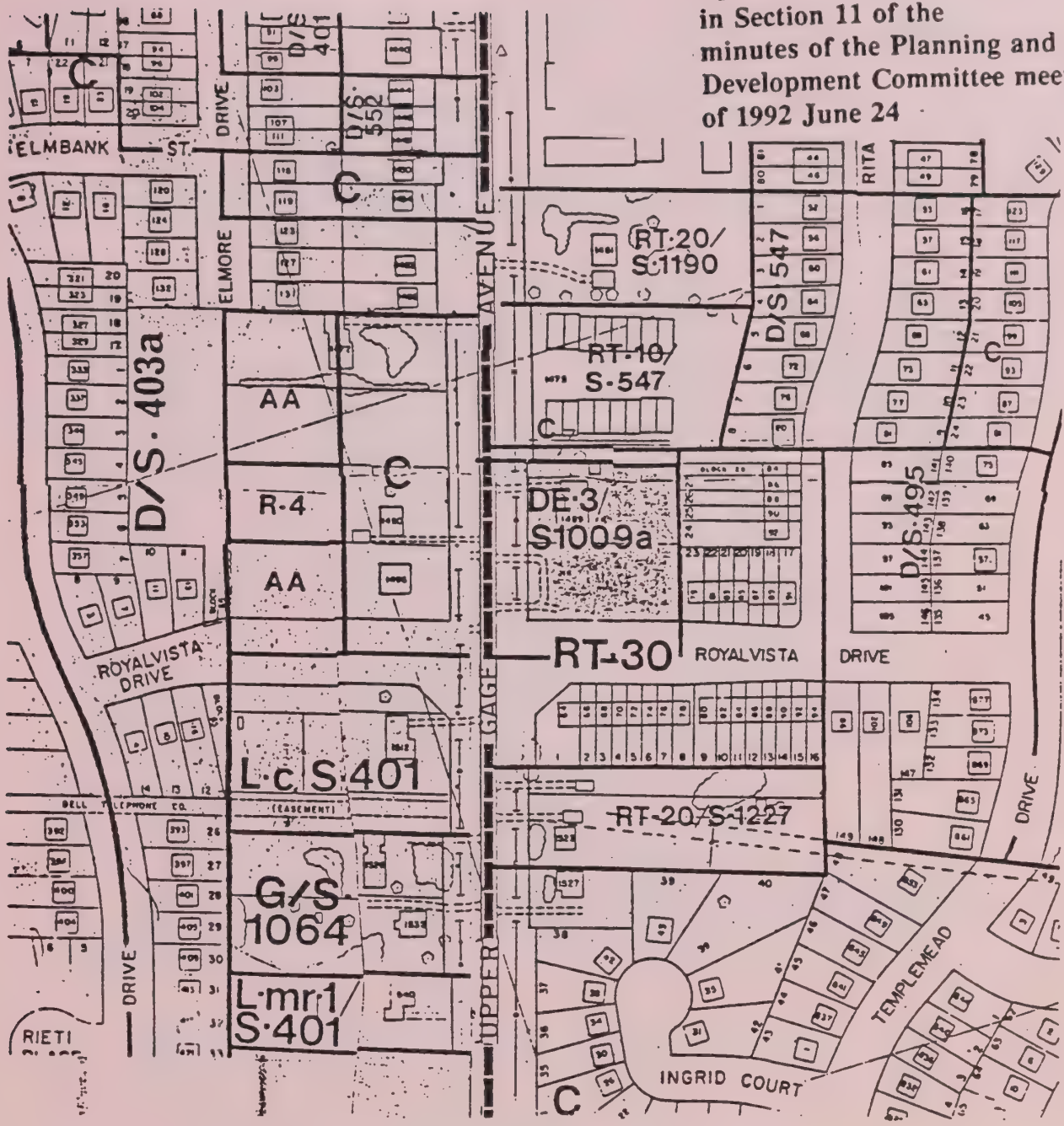
Legend



Site of the Application



Appendix "E" referred to
in Section 11 of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24



Legend

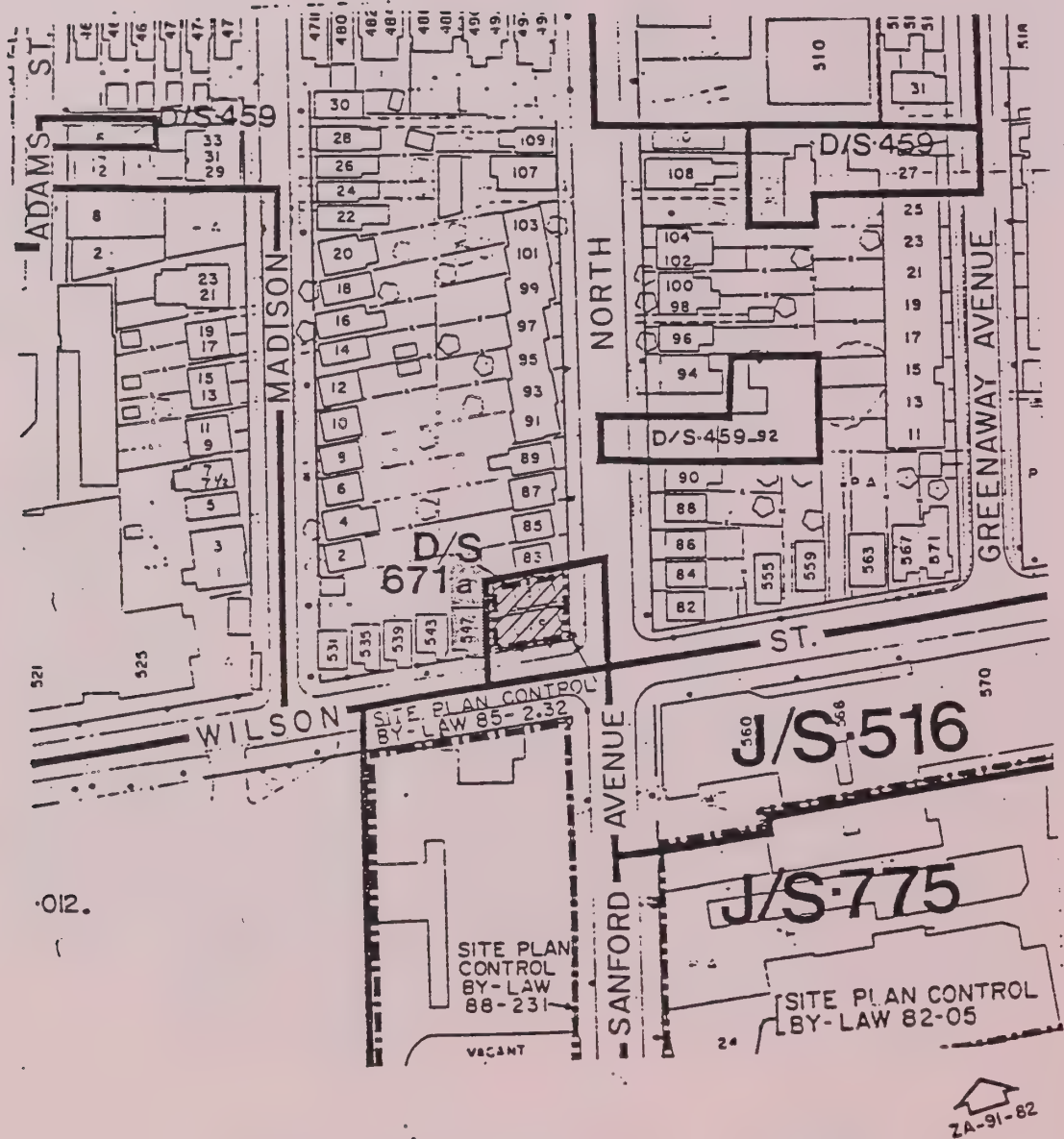


Site of the Application



ZA-92-15

Appendix "F" referred to
in Section 14 of the
minutes of the Planning and
Development Committee meeting
of 1992 June 24



Legend

- BLOCK 1 Modification to the "D" (Urban Protected Residential-One and Two

AB)

Wednesday, 1992 June 24
7:00 O'clock p.m.
Council Chambers, City H.

The Planning and Development Committee met in Special Session to review a report on the Residential Enclaves study from the Commissioner of Planning and Development

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman D. Wilson

Regrets: Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico (City Business)

Also present: V. Abraham, Planning Department
J. Hickey-Evans, Planning Department
B. Janssen, Planning Department
C. Floroff, Planning Department
R. Buckle, Property Department
T. Agnello, Secretary
J. Robinson, Building Department
T. Agnello, Secretary

There being insufficient members of the Planning and Development Committee to constitute a quorum, a meeting was not held. A meeting to hear public submissions was held instead of the Special Planning and Development Committee meeting which was rescheduled to 1992 June 30 at 7:00 p.m.

TAKEN AS READ APPROVED.

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1992 June 24

Tuesday 1992 June 30
7:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met in Special Session

Present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice Chairperson
Mayor R. M. Morrow
Alderman W. McCulloch
Alderman B. Charters
Alderman D. Wilson
Alderman H. Merling
Alderman F. D'Amico

Ac)

Absent: Alderman M. Kiss

Also present: J. Pavelka, Chief Administrative Officer
Alderman B. Morelli
Alderman V. Agro
Alderman T. Anderson
Alderman D. Ross
V. Abraham, Planning Department
J. Hickey-Evans, Planning Department
B. Janssen, Planning Department
J. Sakala, Planning Department
L. King, Building Department
M. Watson, Property Department
T. Agnello, Secretary

1. COMMISSIONER OF PLANNING AND DEVELOPMENT

A. Residential Enclaves Study

Alderman Eisenbuger suggested and the Committee concurred that staff investigate the possibility of rezoning industrial enclaves to residential.

Mr. Abraham advised that if the areas are rezoned residential, the industries will be required to adhere to more strict environmental standards.

In response to a question from Alderman Ross, Mr. Abraham advised that the \$891,177 will be used to purchase the remainder of Alpha.

Alderman Merling felt that properties should be purchased on a willing seller/willing buyer basis.

Alderman Drury advised that most residents want to stay in their homes but and uncertainty of the futures of their homes removed. For years, they have not been in a position to sell or renovate their homes.

Alderman Merling requested that the question be split and vote taken on a individually for a), b(i) and b(ii).

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 17, the Committee recommended to Council as follows:

That the following actions be undertaken for the residential enclaves located north of CN track, from Victoria Avenue North to east of Kenilworth Avenue North:

- (a) retain the "Industrial" designation in the City's Official Plan and the "K" (Heavy Industry) District zoning for the enclaves;
- (b)
 - (i) the acquisition program established 1981 for Leeds, Biggar and Stapleton be abandoned completely and, no residential lands will be acquired by the City for industrial purposes in the lands, Beatty and Rowanwood enclave; and,
 - (ii) the acquisition program for Alpha East (east of Sherman Avenue North), which was put on hold in December, 1989, be resumed for the approximately 11 residential properties remaining, on a willing seller/willing buyer basis with no expropriation contemplated. Funds will be utilized from the existing Capital Budget (Accounts No. 308750001), as well as the funds realized from the sale of lands in Alpha West.

Alderman Merling opposed to (b)(i)

B. Site Plan Control Application DA-91-60 to amend DA-89-45 for a 152 apartment building at 430 Cumberland Avenue.

Alderman Eisenberger took the chair for the duration of this item.

Alderman Drury advised that he would like more time in order to properly organize a public meeting so that residents may review the site plans. He suggested that the matter be tabled to the July 92 meeting.

Mr. Zebroski, Architect, and Mr. Lanzino, Developer, were present.

Alderman Drury summarized some of his concerns about the project as follows:

- the computer generated graphics and site plan are not the same
- the lot is too small to accommodate many children, it is located near the rail line and not readily visible from the building
- the ring road is not well designed and will create safety problems

- Cedar Avenue will become the primary access route; this should be from Cumberland Avenue instead
- vegetation proposed is not in keeping with existing landscape as requested by the Niagara Escarpment Commission
- windows may not adequately buffer noise

In response to a question from Alderman Ross, Mr. Salaka advised that the site plan was originally submitted in 1991 July 19. At that time, an open house was held for review of plans and the plans were also reviewed at a Council meeting.

Alderman Ross stated that the ward Alderman is made aware of site plans when they are submitted. He suggested that a public meeting could have called within one week.

Alderman Ross advised that the members of the Non Profit Housing Board were aware of this project one year ago. No attempt has been made to hide any information.

Alderman Copps is of the opinion that the project is an overintensification of use.

John Sakala added that a letter has been issued by the Traffic Department advising that their concerns have been satisfied.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 16, the Committee recommended to Council as follows:

That the approval be given to Site Plan Control Application DA-91-60 to amend DA-89-45 by C.F.I. Holdings, owner, of lands known as 430 Cumberland Avenue, for a 152 unit apartment building subject to the following:

- i) modification to the plans in relation to notes, dimensions, and earth berm as marked in red on the plans;
- ii) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation/Environmental Services;
- iii) provision of the following notes on the site plans;
 - a) "Ground" vibration transmission to be determined through site test. If in excess of acceptable levels, all dwellings within 75 meters of the nearest track should be protected, possibly by means of rubber pads installed between the foundation and occupied portion. The vertical natural frequency of the structure on the pads should not exceed 12 Hz";
 - b) The Building is to be constructed using brick veneer or an acoustically equivalent construction for the exterior walls;

- c) The minimum require noise insulation for the windows is A1F29;
 - d) Provision of an air conditioning system for all units on the south facade of building.
 - e) Provision for the future installation of an alternative means of ventilation for all the other units.
 - f) Provision of a minimum 2.2 m high noise barrier along the southerly boundary of the property.
 - g) Provision of the warning clause concerning rail traffic noise shall e included in the tiles, deed and rental agreements of all the units; and,
- iv) submission of a revised landscape plan to the satisfaction of the Director of Local Planning and the Niagara Escarpment Commission.

2. ADJOURNMENT

The business of the Committee having been completed, the meeting adjourned.

ALDERMAN D. DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello
Secretary
1992 June 30

B.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 15

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner


SUBJECT: APPOINTMENT BY-LAW

RECOMMENDATION:

a) That By-Law 92-094 be amended as follows:

i) That Section 9 be amended by adding the following name:

ii) Michael Reilly



L. C. King, P. Eng.
Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Due to sick leaves, this person has been hired as a temporary Inspector and as such By-Law 92-094 needs to be amended to accommodate this change.

Ca)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 6


REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

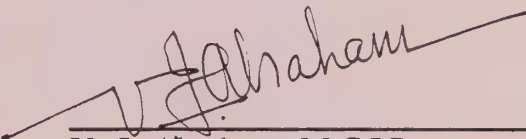
SUBJECT: Extension of Draft Approval for "Ridgeview Estates"
Subdivision (formerly Butler No. 1)

RECOMMENDATION:

That the Region be requested to grant a two-year extension to the draft approval for "Ridgeview Estates" subdivision (File No. 25T-76046).



J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Regional Planning Branch

BACKGROUND:

Owner: T. Valeri Construction Limited

History:

Ridgeview Estates is located in Butler Neighbourhood.

The proposed subdivision was draft approved May 29, 1978, with 72 lots for single-family dwellings, 40 lots for "zero-lot line" single family dwellings, 36 lots for semi-detached dwellings (72 units) and a block for medium density apartments (approximately 65 units).

Draft approval was extended previously in 1981, 1982, 1983, 1984, 1985, 1986, 1989, and 1990.

Draft approval lapses August 29, 1992.

The owner requests a 2-year extension to the lapsing date. He states a poor economy in the real estate market in the Hamilton area as the reason for the request.

Two phases of this development have been registered previously and a third phase is in process. A fourth phase, which will complete the development, will be processed subsequent to registration of Phase 3.

CONCLUSION:

The City of Hamilton originally recommended approval of the aforementioned draft plan subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plan or the conditions, therefore, the extension can be supported.

CMD/l/fd
Reports.Cit/Dir
25T76046



VALERY

CONSTRUCTION LIMITED

June 10, 1992

BY FAX AND MAIL

Regional Municipality of Hamilton-Wentworth
Planning and Development Department
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Lou Lanza

Dear Sir:

Re: File no. 25T-76046, Ridgeview Estates
Pt. lot 10, Conc. 8 (Barton), now in City of Hamilton

As per our telephone conversation of June 9, 1992, please be advised that we wish to apply for a two year extension of the draft approval date for the above-noted subdivision. This request is being made due to the nature of the present economic conditions in the Hamilton area. Trusting this meets with your approval, we remain,

Yours truly,

T. Valeri Construction Limited

Ted Valeri per: RIC

Per: Ted Valeri

c.c. Joe Schatz
City Clerk,
City of Hamilton

REGIONAL PLANNING BRANCH			
SUBDIVISION CONDOMINIUM ADMINISTRATION SECTION			
FILE NO. 25T-76046			
DATE RECEIVED JUN 12 1992			
TO:	INT.	ACT.	INFO.
DIRECTOR/ DIV. HEAD			
MANAGER	<i>ll</i>		
STAFF			<i>ll</i>

*LAPRES AUG. 29/92.
REPAIRS BY JULY 14/92.*

C6.5

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 14
DA-92-10 (ZA-91-55)
Central Neighbourhood

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-10 and Zoning
Application ZA-91-55 for development of a parking area
on lands at 131-133 Market Street

RECOMMENDATION:

1. That approval be given to Site Plan Control Application DA-92-10 by Hamilton Store Fixtures Ltd., lessee of lands at 131-133 Market Street to establish a parking area subject to the following:
 - a) modification to the plan in relation to notes, dimensions and landscape area as marked in red on the plans;
 - b) submission of a revised landscape plan to the satisfaction of the Director of Local Planning; and,
 - c) that the plans be incorporated in a Site Plan Control Agreement to be registered on Title of the land as required by the condition of approval of Zoning Application ZA-91-55.
2. That in regard to Zoning Application ZA-91-55, the following resolution be forwarded to City Council for approval:

That Item 10 of the Second Report for 1991 of the Planning and Development Committee approved by City Council on January 28, 1992, respecting Zoning Application ZA-91-55 by Hamilton Store Fixtures Ltd., lessee for property at 131-133 Market Street be amended as follows:

- A) Delete Item 10.A(a)(iv) and replacing it with the following:

"(iv) that a minimum 1.5 m wide planting strip shall be provided along a portion of the westerly property line for a distance of 18.0 m from the front property line."

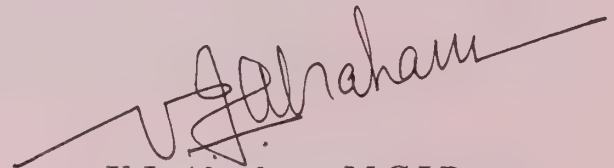
- B) Amend Item 10.A(a)(vi) by deleting the word "westerly" and adding the following statement to the end of the sentence:

"and 20 m along the westerly property line, together with a chain link fence on the remainder of the westerly property line."

EXPLANATORY NOTE:

In order to accommodate parking spaces and sufficient driveway width, the required planting strip can be provided along only a portion of the westerly property line. The fence has also been modified to permit a chain link fence along a portion of the westerly boundary which is adjacent to an existing parking area.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for development of lands at 131-135 Market Street to establish a parking area for eight vehicles and site improvements in accordance with the conditions of approval for Zoning Application ZA-91-55. The details of the plan provide for a 3.0 m wide planting strip adjacent to Market Street, access only through the alleyway at the rear of the property, wood fence along the easterly property line and a portion of the westerly boundary and a 1.5 m wide landscape strip for a portion of the westerly boundary.

COMMENTS RECEIVED:

The Building Department has advised that the proposed parking lot does not conform to the special requirements of the approved Zoning Application ZA-91-55 with respect to planting strips and visual barriers.

The Traffic Department in its attached comments has recommended that the landscape strips be eliminated and an exit be provided onto Market Street.

The Roads Department in its attached letter has commented on possible catch basin installation if drainage problems occur and fence locations to provide visibility at the alleyway.

COMMENTS:

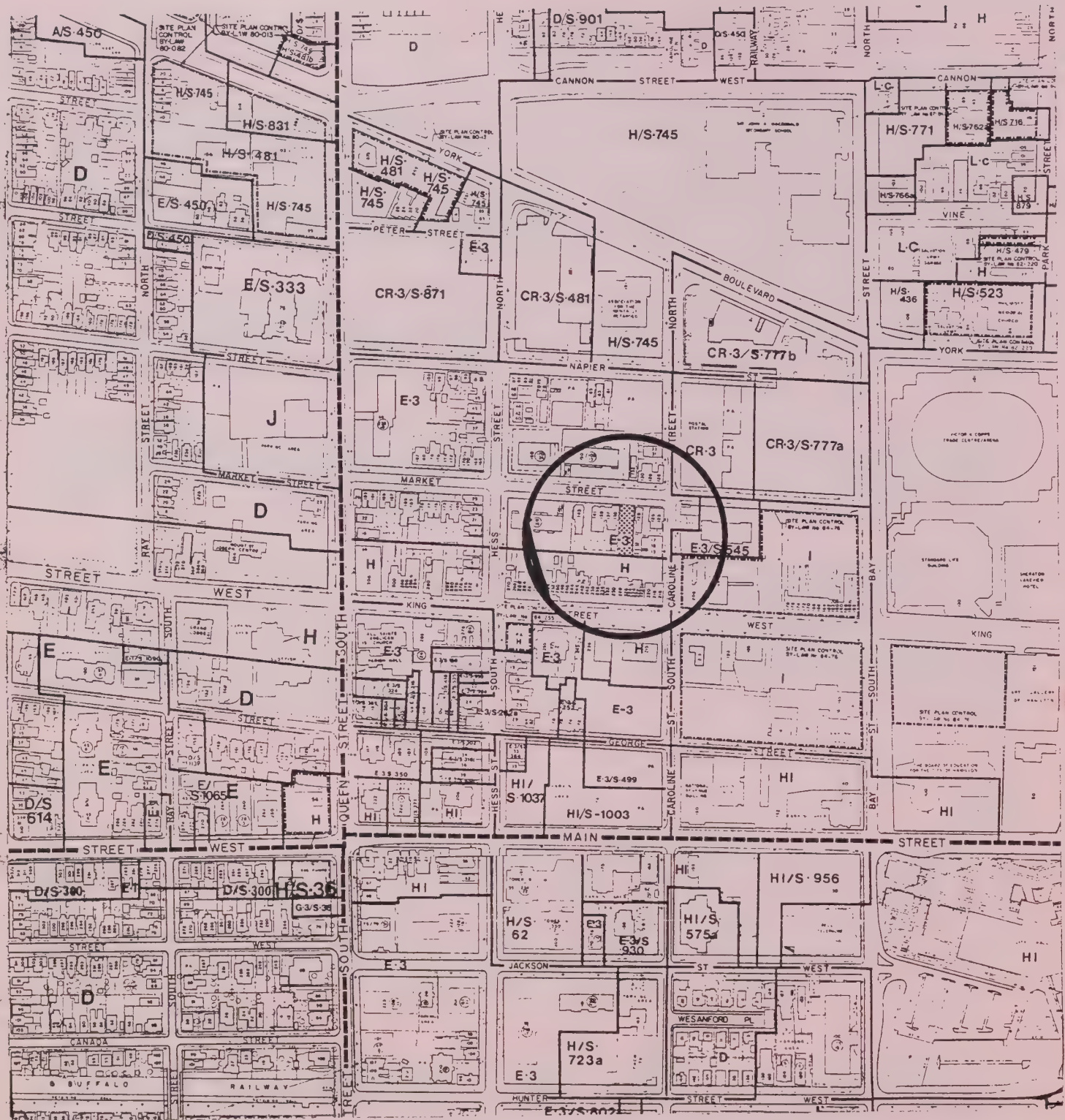
At its meeting of January 28, 1992, City Council approved Zoning Application ZA-91-55 to permit temporary use of the lands as a parking area subject to special requirements. These included provision of landscaped areas, fencing and no vehicular access to or egress from Market Street. In addition, the amending by-law would not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan and registers the site plan on title.

Accordingly, the applicant has submitted detailed plans showing the property boundaries, parking layout, landscaping, and fencing. Due to the narrowness of the lot, the required 1.5 m landscape strip can only be provided along a portion of the westerly boundary.

Also, a chain link fence is proposed for the rear portion of the westerly boundary instead of the required visual barrier. Since this area is adjacent to an existing driveway and parking area, and visibility is improved at the alleyway, the change can be supported. A modification to the draft by-law is therefore required to recognize this detail.

The Traffic Department has recommended that a one-way exit be provided onto Market Street. As noted and approved as part of the zoning report "no vehicular access to or egress from Market Street shall be permitted". Since the lands are to be used only for a three year period as accessory to the use of the land at No. 206 King Street West, and since access to Market Street would encroach into the neighbourhood Street, the driveway connection cannot be supported.

JPS/ma



KIRKENDALL NORTH No. 92

DURAND No. 41

City of Hamilton

Plan Showing
Lands Subject toSite Plan Control
Application DA-92-10Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale

1:5000

Date
MARCH, 1992Reference File No.
DA-92-10Drawn By
P.B.

CITY OF HAMILTON

- INFORMATION -

D.
RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 13

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Approved Site Plan Control Application.

BACKGROUND:

The following Site Plan Control Applications were approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-91-75 - 418 Limeridge Road East

DEPARTMENT OF ENGINEERING

MEMORANDUM

PLANNING & DEVELOPMENT LOCAL PLANNING				
File No.		RECEIVED APR 01 1992		
TO	STAFF	INIT.	REF.	ACT
DIR.				
P.P. & A.				
ENGINEER				
DEV.				
SUB.				
STAFF				
OUR FILE	EXT. DA-92-10			
PHONE	E220-0301			
(416) 546-4294				

TO: J. Sakala
Planning and Development

FROM: G. S. Aston, P. Eng.
Director of Programming and Development
Roads Department

YOUR FILE

OUR FILE
PHONE: (416) 546-4294

SUBJECT: Site Plan Control Application DA-92-10
for 131-133 Market Street, Hamilton

DATE: 1992 March 25

Grading and Servicing

The site/grading plan submitted, dated March 4, 1992, is approved with respect to Region concerns with grading.

This applicant should be aware that all parking areas are controlled by the drainage By-law, and if a problem with the drainage occurs, he could be required to install catch basins or regrade the lot to our satisfaction.

Transportation Comments

The Market Street road allowance has been established at 20.12m. Therefore, no road allowance widenings are required.

Any works which may occur within the Market Street road allowance must conform to the City of Hamilton Streets By-Law. We have reviewed this plan on the basis that the fence within the Market Street road allowance will be removed.

According to plans submitted by the applicant, access to the subject lands will be via the assumed alley to the rear of the subject lands. If possible, the board fence on the east property lines should be setback 1 to 2 metres from the property line and replaced with chain link fence to maximize visibility.

According to our records, the alley to the rear of the subject lands is public assumed.

EH:ja



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 May 01

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-92-10
131-133 Market Street

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Received MAY 04 1992		
TO	STAFF	INIT.	INFO	ACT
DIR.				
PRG.				
VEIC.				
PM				✓
ENG.				
DES.				
K3				
CART.				
ADMIN.				

In response to your letter of 1992 March 11, please be advised that we have reviewed this application and have the following comments.

We previously reviewed this proposal as zoning application ZA-91-55, and found it to be satisfactory provided that the site was placed under site plan control. The Planning Department, on their own initiative, added the requirements of a 1.5m landscaping strip along the easterly and westerly property lines and that no vehicular access be permitted to Market Street. The site plan, as submitted, does not provide the landscaping strips as required by the Planning Department. In our opinion, the implementation of the requirements set by the Planning Department will not allow the site to properly function as a parking lot. At best, six parking spaces on a 30 degree angle could be provided but the vehicles would be required to back out into the alley. We do not recommend this design.

We recommend that the landscape strips along the east and west property lines be eliminated and a one-way exit be provided onto Market Street. The fence along the east and west property lines could be maintained, as well as the landscaped area on Market Street.

Should you require further information in regard to these comments, please contact Sue Hayward at 546-4575.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks

2.
RECEIVED

JUL 08 1992

CITY CLERKS

MEMORANDUM

Date: July 8, 1992
To: Chairman and members, Planning and Development Committee
From: Peter L. Hill, Vice-Chairman, Urban Design Committee

Re: Implementation of Preliminary design for the GO Station

At the direction of the members of the Urban Design Committee, I am writing to indicate that we are concerned about the process which has been used to date to carry forward the reconfiguration of the T.H. & B. station to meet the needs of GO Transit and the relocated Bus Terminal.

On behalf of the Committee, I request that we be granted a place on the Agenda of your July, 1992 meeting in order to more fully explain our concerns and suggestions for action. However, some of the more salient points are outlined below.

As you know, your Urban Design Committee has a mandate to offer advice and comment regarding urban design elements in the community's built environment, particularly in the downtown core. The GO Station, a project of great magnitude and importance to the community, has been a topic of interest for some years and committee members have kept themselves informed of developments as much as they have been able to. The January, 1991 Preliminary Design by Parker Consultants was approved by Council early in that year.

Between that approval of the Preliminary Design and the recent announcement by David Christopherson, MPP that the Environmental Assessment hurdle was passed and the project was to proceed, there is no record which our Committee members have been able to find to show that Council has, in fact, approved a FINAL DESIGN of the station and the surrounding area. It is also our understanding that work is proceeding on the implementation of a variation of the Preliminary Design which has not had the benefit of scrutiny by the Planning & Development Committee either alone or in consultation with the Regional Transportation Committee.

...2/

It is most important that whatever is built meets the needs of the community - as decided by Council and after careful review of the design elements by both professional members of staff and our political leadership.

Your Urban Design Committee was expecting that the approval process would include the provision of considered opinion on the Preliminary Design from a variety of sources including itself and, inter alia: Neighbourhood Associations, urban design staff, downtown business organizations, the HSR, the Hamilton Parking Authority, CAPIC, and LACAC prior to the acceptance of the final design which would include the necessary modifications to ensure that the planning needs of the community were met, in addition to those of the railway authority.

Somehow, the traditional process was not followed. The ramifications of this are significant. We have not had the benefit of including in this major urban core facility those features which will give Hamiltonians a sense of place. In effect, what we have been delivered is a suburban GO Transit station rather than an urban core terminus station. It meets the needs of the transit authority but not the needs of the community.

Good urban design accounts for both the use of space and the creation of a sense about a space, as well as the relationships the space itself has with the elements which create it. A terminus location requires the traveller to know that this is both a starting place and an ending place, not a flow through place. The preliminary design does not give this sense of "arriving" or "departing" from a major metropolitan centre - yet it is now the only railway station we have!

Your Urban Design Committee recommends:

that the Planning & Development Committee take action on this situation immediately and consider recommending to Council, at its July 1992 meeting, that it and the Urban Design Committee, perhaps along with other parties such as those mentioned above, be asked to review the final design drawings created by the consultants and to recommend acceptance or modification to Regional Council.

PLH/

3.
JUL 13 1992

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Tina Angello, Secretary
Planning and Development Committee
City Clerk's Department

YOUR FILE:

FROM: J. Thompson, Secretary
Single Tier Bureaucracy
Review Steering Committee
City Clerk's Department

OUR FILE:

PHONE: 546-2747

SUBJECT: Single Tier Administration -
A Discussion Paper.

DATE: 1992 July 10

I am forwarding herewith for your information and attention a copy of a Joint Report dated 1992 July 3, from the Chief Administrative Officers of the Region and the City of Hamilton dealing with the subject matter which was presented to the Single Tier Bureaucracy Review Steering Committee at its meeting held 1992 July 9, for consideration.

Direction was given that a copy of this Joint Report be forwarded to all the Committees of Regional and City Councils for consideration and comment.

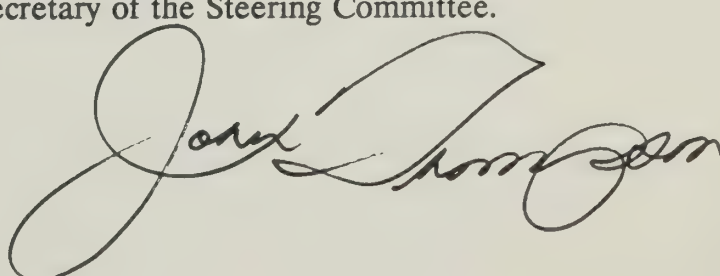
Please ensure that a copy of this memorandum and Discussion Paper is placed on your Committee's Agenda.

All responses should be directed to myself as Secretary of the Steering Committee.

JT/dbm

Attachment.

c.c.- Joe Pavelka, Chief Administrative Officer
City of Hamilton
- Wm. McMillan Carson, Chief Administrative Officer
Regional Municipality of Hamilton-Wentworth



CORPORATION OF THE CITY OF H.

J. Thompson
Secretary

MEMORANDUM

TO: Chairman and Members
Single Tier Bureaucracy
Review Steering Committee

YOUR FILE:

FROM: John Thompson, Secretary
Single Tier Bureaucracy
Review Steering Committee

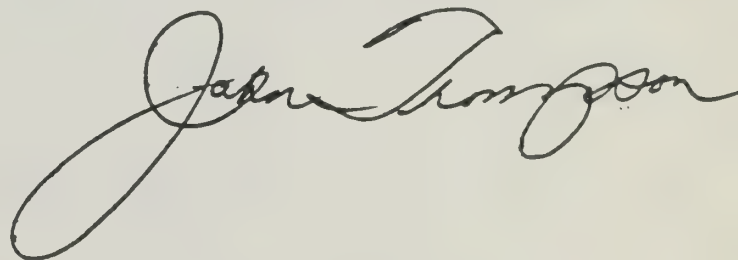
OUR FILE:

PHONE: 546-2747

SUBJECT: SINGLE TIER ADMINISTRATION -
A DISCUSSION PAPER

DATE: 1992 July 6

Attached is the Joint Report of the Chief Administrative Officers for the Region and City of Hamilton on the subject matter, to be considered by the Steering Committee at its meeting scheduled for Thursday, 1992 July 09 at 2:00 o'clock p.m. in Room 233, City Hall.



att.

July 3, 1992

Councillor Don Ross
Chairman, Single Tier Bureaucracy
Steering Committee

Subject: Single Tier Administration - A Discussion Paper

On February 4, 1992 Regional Council approved the following recommendations:

- "a) That the Region participate with the City of Hamilton in undertaking a review of the rationalization of a Single Tier Bureaucracy;
- b) That this process be directed by a Special Steering Committee comprised of:
 - the Mayor of Hamilton
 - the Regional Chairman
 - the Chairman of the City of Hamilton's Finance and Administration Committee
 - the Chief Administrative Officer of the City of Hamilton
 - the Chief Administrative Officer of the Region

to be chaired by the Chairman of the City of Hamilton's Finance and Administration Committee and report back on what necessary outside resources would be necessary to complete the study;
- c) That the Steering Committee report back by 1992 March 30 with a critical path time frame for the work to be carried out on the review;
- d) That Councillor A. Sloat be appointed as the Regional representative and Councillor D. Granger be appointed as an additional member, to the Steering Committee."

The committee met on February 18, 1992 and asked the CAO's of the Region and City of Hamilton to bring back a preliminary report before the end of March. The presentation of the report was postponed due to the expectation that the Ministry of Municipal Affairs would be presenting its report on Regional Government by mid May. Your committee asked that the following subjects be dealt with in this report:

- Literature Search
- Organizational Structure - City/Region
- Time lines for implementation

- Review of departments presently combined eg. Human Resources & Systems

These and several other topics are addressed below.

Literature Search

A letter was sent to five professors of political science who specialize in municipal government explaining our proposed undertaking and asking them to direct us to examples of where this has previously been tried. Also the Canadian Association of Municipal Managers and the International City Managers Association were contacted. Most of the replies have now been received. Preliminary analysis indicates that there are several examples in the U.S.A. where lower tier municipalities have little or no staff and contract for service with the upper tier. However, further analysis of the suggested literature is necessary in order to reach a conclusion. Also the names of several other authorities were given by our contacts. These have not yet been followed up. If other models are identified, information will be gathered and a report prepared.

Present Organizational Structure

Attached for your information are the organizational charts of the Region and City. For purposes of the present discussion, the actual structure may be ignored. It is important however, to note that there are three classes of departments.

- These which are:
- Unitary Departments (City or Region)
 - Region and City combined
 - Parallel in both City and Region.

Unitary Departments (City and Region)

Table 1 sets out the twenty-three (23) departments which comprise the City and Regional administration according to which corporation they report and whether they are unitary or parallel.

Of the twenty-three (23), ten (10) are unitary, having no parallel. It is therefore simple to bring these into an integrated bureaucracy. All that would be necessary in the first instance is to change the reporting relationship by making all ten (10) report to one CAO.

A specific target of 7% - 10% downsizing should be set early in the process to ensure that all possible reductions in cost are realized in the lower parts of the organization.

Combined Departments

The joint Departments of Human Resources and Information Systems are already combined and require no further change.

Parallel Departments

There are four departments which need to be combined into unitary departments in an integrated administration.

These are:

- CAO
- Legal
- Finance
- Clerk

It would seem fairly straight forward to combine the two CAO offices, the two Finance Departments, and the two Clerk's Departments. Some preliminary investigation would be necessary to ascertain whether or not two separate legal entities like the City and Region could in fact have a shared Legal Department.

Possible Organization Mergers

Table II sets out a number of possible mergers that could be studied to produce an integrated system. These mergers attempt to address the issue of Span of Control. If the span of control (ie. number of people reporting to one position) is too large then the senior position loses control and there is lack of co-ordination and direction. If it is too small then there is waste of effort, duplication and loss of creativity. It is commonly held in managerial literature that the optimum span is seven to nine though in a highly complex organization it may be smaller. An emerging school of thought is however suggesting that it can be widened to possibly ten or twelve or even more. The general rule is that the smaller the span, the tighter the control and the less flexible the decision making. However, the wider the span, the looser the control and the more flexible the decision making which brings with it the possibility of mistakes and error. This, in fact, is the essence of empowerment.

In a public arena like municipal government where mistakes become major headlines, the question to be faced in developing an integrated administration is - How much control and accountability is required? (See article by Grant W. Russell attached).

Time Line for Implementation

Phase I

Once the decision to proceed has been taken by both Councils, it is estimated that twelve to eighteen months would be required to accomplish implementation of Phase I. Table III describes the steps required and the possible sequence to be followed in reaching this objective.

It would be important early in the process to appoint the CAO of the new structure and assign to that person the responsibility for managing the process. The CAO not appointed should be encouraged to remain in place to ensure the continued operation of the old structure until the new reporting relationships have been established.

The new CAO should establish a Staff Working Group to undertake the tasks necessary to accomplish full integration. This group should not include any department head from the parallel departments to ensure that all department heads are given equal opportunity to compete for the new positions. However, once these competitions are complete, the successful candidate could join the group which ultimately would become the new management team.

Phase II

Each department head, new or existing, should be responsible to rationalize the staffing requirements of their department in order to reduce staff. This would be particularly true where melded departments are created and certain positions become redundant. This process would take another year to eighteen months to work itself out. Thus, to complete the process is approximately three years.

Review of Departments Presently Combined

There are two fully combined departments namely Human Resources and Information Systems. These departments provide full service to the Region and the City (Human Resources is on the Regional payroll, while Systems is on the City payroll). There are other departments which are identified as being either City or Regional which sell service to the other corporation.

For example: Traffic Services - City
Planning - Region
etc.

Human Resources and Information Systems are the only two melded departments which exist now. These are "melded" in the sense that they report directly to both City and Regional Councils. They therefore provide a model for all future departments in the new integrated bureaucracy. It is important, therefore, to gather information about their cost and performance. This could be a long and costly task if performance is to be measured objectively, however, if members of the committee are prepared to accept the notion that both departments function relatively well and thus provide sufficient confidence to use them as models for the future then all that remains is to consider cost.

This task is underway in so far as a graduate student from McMaster University is working with a joint Region/City team to estimate the difference in cost between the present melded departments and the cost which would have been incurred if two separate departments had continued with the Region and City. The results of the Human Resources study are expected in June.

Other Issues to be Considered

While the committee at its last meeting did not raise these issues, it would seem wise to place them on the agenda now, if only that they may be dismissed, or where necessary resolved. These issues are:

- Accountability and Control
- Conflict Resolution
- Size of the Bureaucracy
- Which corporate payroll will assume the new bureaucracy
- Parallel committee structure

Accountability and Control

Accountability and control is central to the appropriate functioning of a bureaucracy. As has been said earlier, too much control and the organization becomes unresponsive, too little control and it becomes irresponsible.

Part of the solution may be found in the use of a relatively small group of senior managers reporting to the CAO. Each manager being charged with responsibility for a group of services (departments). An expanded span of control could be achieved by the use of a deputy CAO. This, however, should only be contemplated if it were possible to achieve by a net reduction in staff.

However, who controls the CAO? This is a very important matter since a senior bureaucrat who has full information in the bureaucracy and reports to two Councils is in danger of becoming too powerful.

This difficulty may be avoided by establishing an Administrative Executive. This would be a group comprised of the Mayor of the City of Hamilton and the Regional Chairman along with one City Councillor and one non-City Councillor. This committee would have no legislative responsibility but would be directly responsible for the appointment and supervision of the CAO. As a matter of legislation at both Regional and City Council, the Administrative Executive would be required to conduct a full annual performance appraisal of the CAO and report annually to the Councils. The CAO should be appointed by contract, the renewal of which is dependent upon both Councils annual approval of the performance appraisal as presented by the Administrative Executive.

Conflict Resolution

There will be occasion when the legitimate objectives of the two Councils will come into conflict and where bureaucrats who are loyal to both corporations can not reach a resolution. In the present system, the Regional staff advise Regional Council on how to achieve the best interests of the Region and the City Council is similarly advised by its staff. The decision is then taken politically.

However, in the new system this will become a problem when staff are expected to give advice on matters which could favour one organization over the other. The Administrative Executive may be used to resolve this kind of difficulty. The CAO would be charged with the responsibility of bringing such a situation to the attention of the Administrative Executive who would be informed on both sides of the matter by staff. Then the Administrative Executive would deal with the matter politically at both Councils.

Over time, the matter of conflict may prove to be more a problem in theory than in practice and in which case this responsibility of the Administrative Executive could be terminated.

Size of the Bureaucracy

There is a danger that a large bureaucracy may lose any initial financial savings by relative inefficiencies. This may not be as serious issue as it first appears since much larger municipal bureaucracies exist than the one contemplated here (eg. Toronto, Vancouver, Montreal, Edmonton, Winnipeg, etc.) . These systems work relatively well though they suffer all the problems and inefficiencies of any large bureaucracy.

There appears to be a general rule that the smaller the bureaucracy, the more efficient and responsive it is likely to be. If this is accepted it may be wise to develop a parallel process to the integration of the two bureaucracies which addresses the possibility of reducing the size of both and consequently the size of the new structure. What is being addressed here is not simply the downsizing of the organization. There are limits to how far this can go and the limit may have indeed been reached with the last two years of

budget restraint. To achieve further meaningful reduction it would be necessary to inquire if certain services should not be delivered by a non-government agency. This could include handing over some services to the private sector and some to the voluntary sector. Regional Council is on record as approving the investigation of alternate methods of services delivery.

Which Corporate Payroll will Assume the New Bureaucracy?

This may seem like a trivial matter to raise at this point, but it should be addressed if confusion is to be avoided later. People have a tendency to give their first allegiance to whomever signs their pay cheques. Will they then be City staff or Regional staff? This then raises the further question - Will it be a City bureaucracy selling service to the Region or visa versa?

Information just now becoming available for some of the university contacts suggests that there are municipalities in western United States which have little or no staff. It appears that some towns and cities purchase all of their services from the County.

The Provincial Report on Regional Government

The Provincial Report was expected to have been available by mid-May. Indeed reporting to committee was delayed for that reason. However, it now appears that the Province is unlikely to proceed in any meaningful way. The Minister of Municipal Affairs has indicated that the Legislative Calendar is too full to accommodate any omnibus changes to any of the Regional Acts in the term of this government. He has said, however, that individual adjustments requested by a Region could be considered.

Parallel Committee Structure

At some point in the process the two Councils may wish to consider establishing a Parallel Committee Structure. For example, where there is shared legislative responsibility (eg. Roads Planning, etc.) staff could report to one committee and that committee report to both Councils. A joint Administration and Personnel Committee would seem obvious and could avoid duplication and conflict. (See Table IV)

At some point in the future it might be possible to hold both Councils in the same time period by alternating the person governing the meeting and integrating the agenda.

Possible Cost Savings

It is clear that an integrated bureaucracy will reduce salary costs. In Phase I where the senior management is reduced by four positions the savings is likely to be in the neighbourhood of \$500,000. The major savings would be expected in Phase II where other staff reductions are contemplated.

There would, of course, be front-end expenditures associated with these savings though this will be kept to a minimum by attrition and early retirement.

It is difficult to ascertain the exact size of the total net savings without a detailed analysis. This requires time which would delay the process. However, general estimates will be produced in a future paper.

The Next Steps

This report is presented for information and debate. A further refinement of the report will be prepared on the basis of that debate which will lead ultimately to a proposed structure for presentation to both Regional and City Council. This document should also become the subject of a joint Region/City Management Team meeting.

Start Date

The next report should be ready for approval by both Councils in September 1992.

Bibliography

Members of the Steering Committee may be interested in the following list of background reading material.

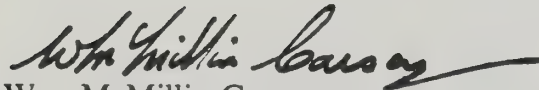
1. Hickey, Paul. Decision Making Process in Ontario Local Government, Toronto: Government of Ontario, Ministry of Treasury, Economics and Intergovernmental Affairs 1973
2. Kernaghan, K & Siegel, D. Public Administration in Canada, Toronto, Methuen 1987
3. Tindal, C.R. & Tindal, Nobes S. Local Government in Canada, 3rd Ed. Toronto: McCraw Hill Ryerson Limited 1990

4. Government of Canada, Public Service 2000: Renewal of the Public Service of Canada, Ottawa: Ministry of Supply and Services Canada 1990

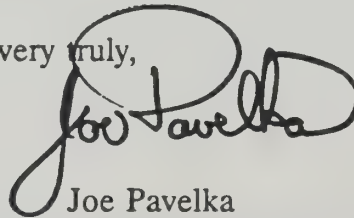
Recommendations

1. That this report be forwarded to all the Committees of both Councils for consideration and comment: and
2. That a further report be produced which reflects the matters raised in the discussion of the Committees; and
3. That this report become the subject of a joint City/Region Management Team meeting; and
4. That a plan for administrative integration be presented to Regional and City Council as soon as possible, but not later than December 31, 1992.

Yours very truly,



Wm. McMillin Carson
Chief Administrative Officer
Regional Municipality of
Hamilton-Wentworth



Joe Pavelka
Chief Administrative Officer
City of Hamilton

PRESENT ADMINISTRATIVE STRUCTURE

Administrative Structure
Regional Municipality of
Hamilton-Wentworth

Administrative Structure
City of Hamilton

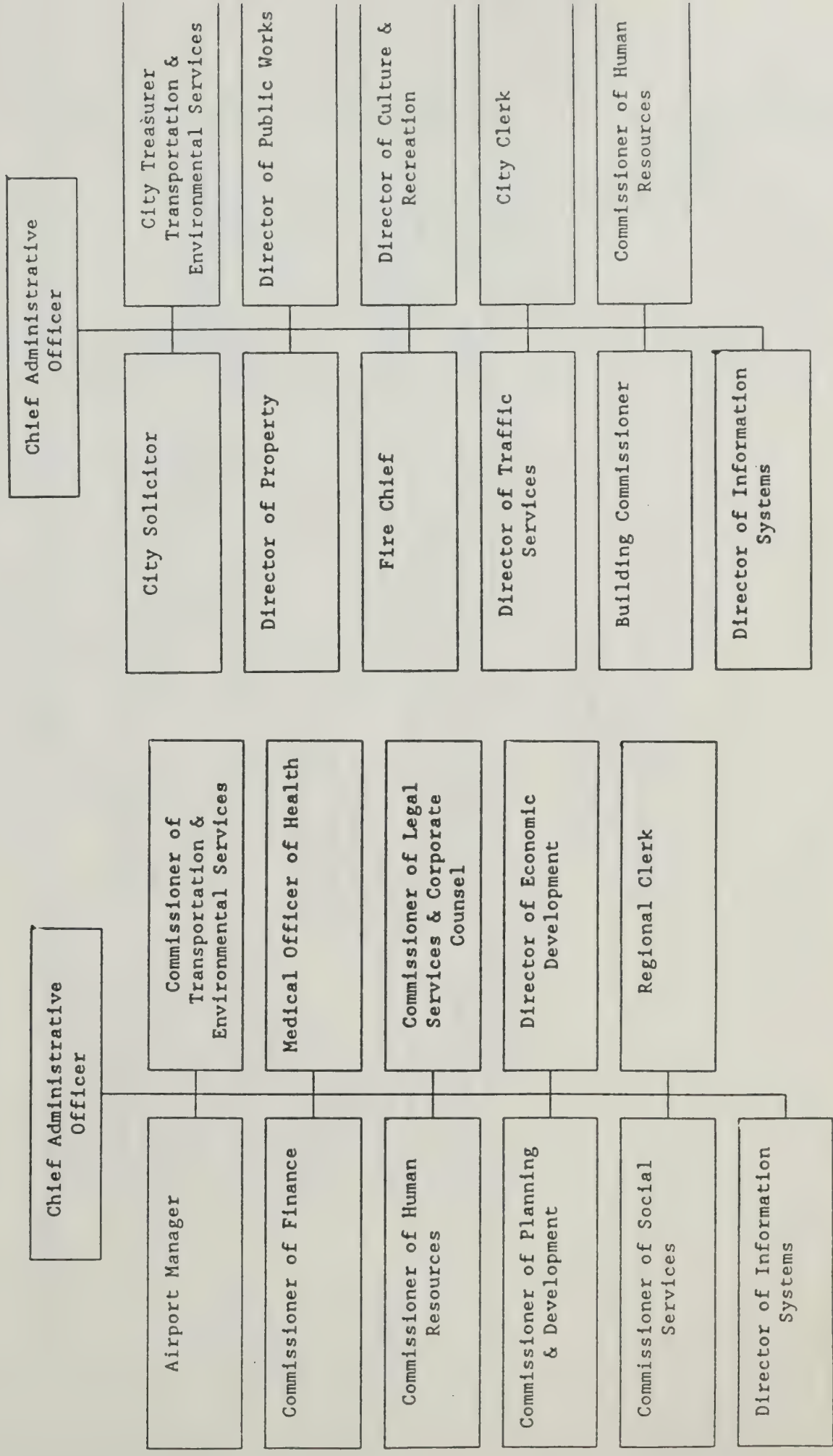


TABLE I

**Regional and City Departments
by
Reporting Relationship**

	Unitary Departments ie. no parallel	Parallel Departments	Combined Departments	Other
Region	Economic Development & Planning Social Services Health Transportation & Environmental Services	CAO Regional Clerk Regional Finance Regional Legal	Human Resources Information Systems	Police Services
City	Public Works Building Department Traffic Services Property Department Fire Department Culture and Recreation	CAO City Clerk Treasury City Solicitor's Office	Human Resources Information Systems	Hamilton Public Library HECFI

POSSIBLE ORGANIZATIONAL MERGERS

Regional CAO and City CAO

Regional Finance and City Treasury

Regional Legal and City Law

Regional Clerks and City Clerks

City Public Works and City Traffic

City Building and City Property

Regional Finance, City Treasury and Information Systems

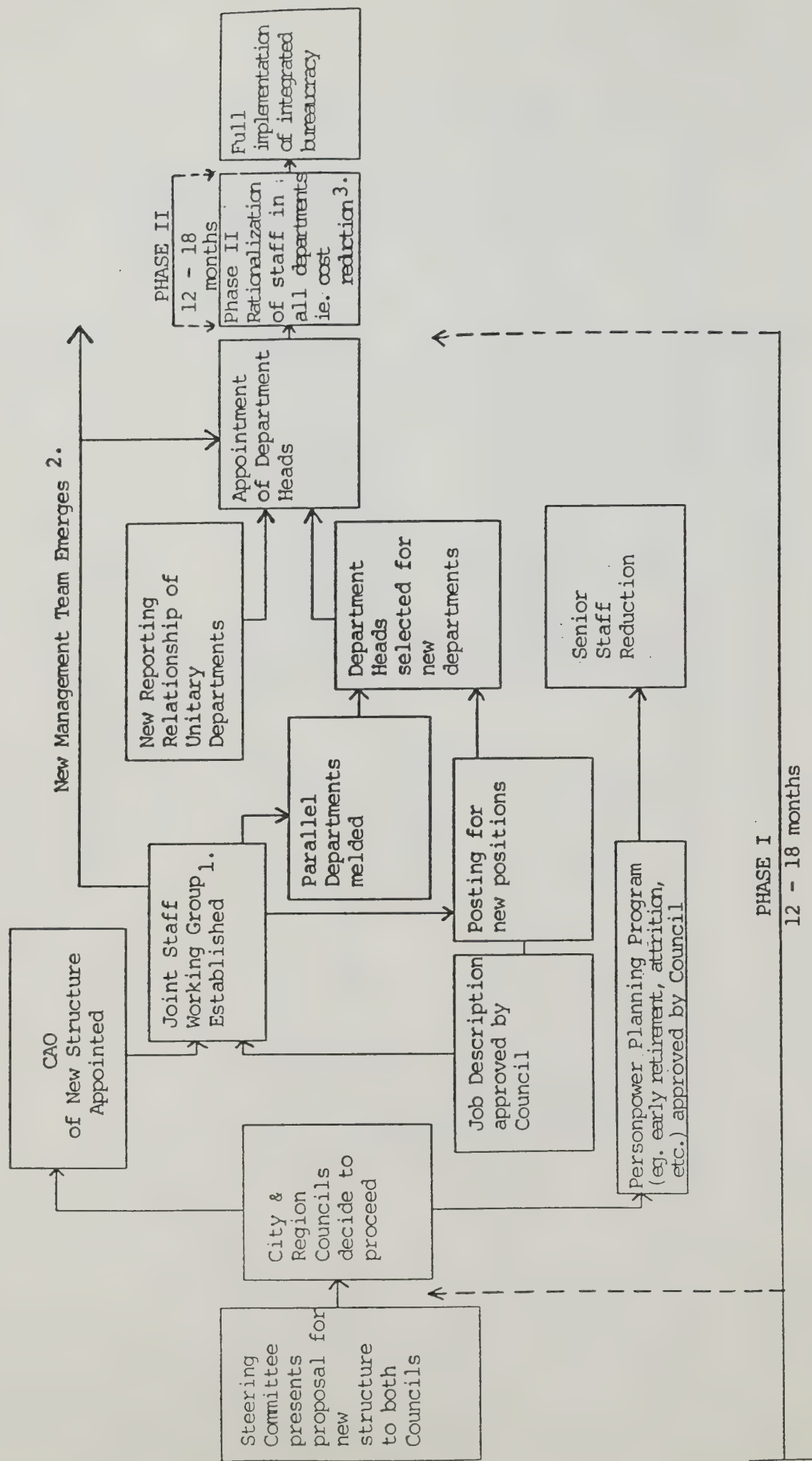
Library Boards

Culture and Recreation and Fire

TABLE III

Possible Process for Implementation of Integrated Bureaucracy

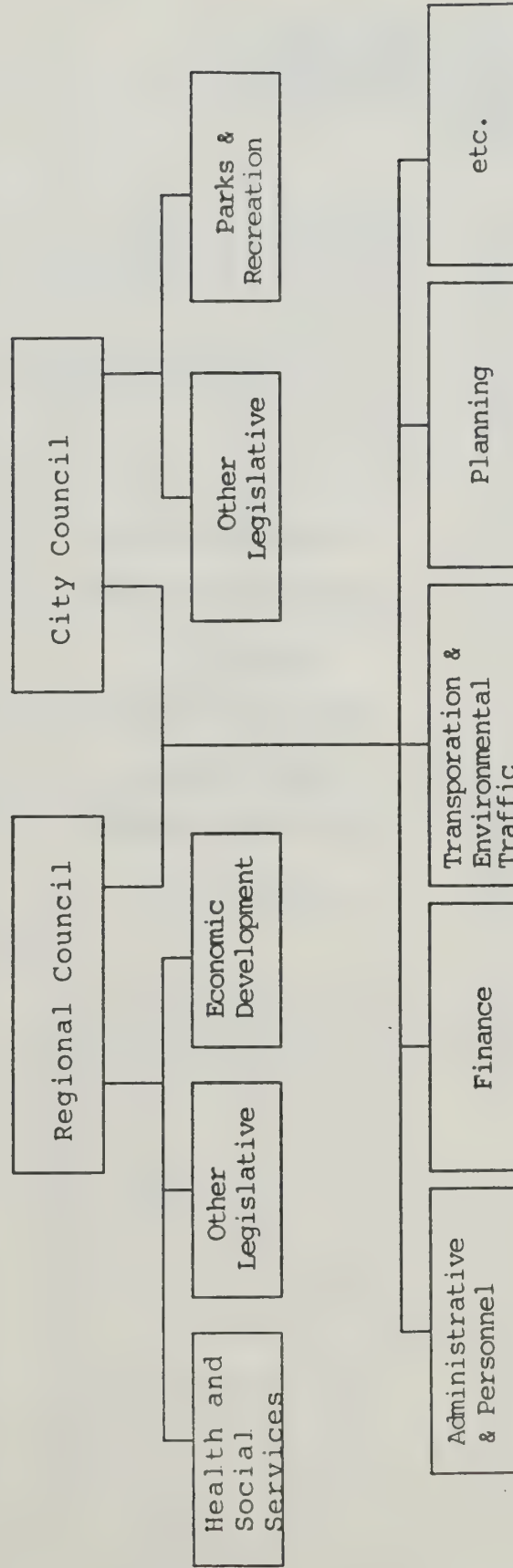
Following Decision to Proceed



1. Department Heads who are not likely to be replaced by the process.
2. As New Department Heads are added, they join the working group.
3. Phase II will address a staff reduction by reorganization of lower levels.
T' will take approximately 18 months to two years to complete.

TABLE IV

Possible Parallel Committee Structure



How much control and accountability?

As the instructor of a graduate course in controllership, I have to inform my students about the appropriate amount of control that an organization requires. When the discussion turns to total quality management, the questions are raised: "Can TQM apply to control/accountability situations? Can a management control system operate with zero defects?" The students have all been taught Horngren's model of cost/benefit relationship on management control systems — too much control provides too little benefit for the cost incurred. Their perception is that the costs of a tight control system are measured in person-years in the controller's office, in the number of forms that are filled out by operating personnel, and the cost of an internal audit staff. Unfortunately, many organizations utilize reactive control, done on a mechanistic "cybernetic" model, i.e., the model that (1) sets standards (2) measures outcomes (3) compares to standard and (4) takes appropriate corrective action. While an adaptive reaction to change the standard is possible, it is not desired. If the result of the control model is only to change the standard, then there is little benefit in having a control system at all.

The effects of a loose control system are well documented. In the public sector particularly, the politicization of the failures results in an amplification process as each "owner/stakeholder" of the government will be informed by the media. Unfortunately, the control system rarely identifies those positive outcomes that result from good management. Consequently, good government (management) is rewarded rarely, but failures are trumpeted through the media or the reports that go to the board of directors. This asymmetrical outcome leads to a risk adverse management style by government, and tight control mechanisms are highly desired by management. Similarly in

profit-oriented firms, control failures can be magnified by public disclosure to the extent that the firm will institute tight reactive controls.

The effects of too tight a control structure are more subtle. The structure forces conformity to previously identified targets, and ignores any opportunities for management to enhance performance

A tight control structure also implies a very centralized, less flexible decision-making process.

substantially, if these opportunities have not been explicitly identified at the standard-setting time. The opportunity loss will not be identified by the system and, as a result, any determination of opportunities foregone will come from outside. For example, we can examine the organization that allows only cash sales and no credit sales. Clearly, the organization has reduced the possibility of credit failure to zero, and its control system has been very successful; simultaneously it has reduced the profit on otherwise available credit sales to zero.

Trained as management accountants, we value control very highly. As controllers, our objective is the elimination of systems failure and zero defects. The result of this restrictive control is that the organization takes no risks at all. The tight control structure also implies a very centralized, less flexible decision-making system, with significant decisions being

made only at a very high level.

There is now a growing awareness in Canada that our control structures are very tight, and in some cases, too tight. To combat this, many organizations are attempting to push decision-making responsibility down to lower levels of the structure. This empowerment process, inevitably, will lead to some material level of failure. For example, in the federal government, we observe a decision to admit a former foreign minister of another country as a landed immigrant to Canada made not by the minister, but by a manager lower in the civil service hierarchy. The result of this decision was a national discussion of the failure of the system to reflect the wishes of Canadians, and a substantial amount of embarrassment for the government. The natural desire of the government is to reclaim decision making to higher, more secure levels of hierarchy. Such a decision is, of course, trying to turn the clock back. Rather than build tighter reactionary controls, we must start to develop more proactive control systems — a much more difficult undertaking.

In the proactive control system, we must anticipate as much as possible the changes that we will experience, and to equip managers as much as possible for the flexible decision making that is necessary. As leaders in accountability, we must take a positive stand when failures are discovered. A properly balanced control system will allow failures; we can learn from them. However, where we build a system to preclude active change (with accompanying risks) within the organization, we will inevitably build a control system that leads to an organization that changes slowly. This condition, in a rapidly changing environment, ultimately spells the decline and failure of the enterprise.

Grant W. Russell, MBA, CMA, FCMA, is an associate professor of management accounting at the University of Waterloo. He is a director-at-large of The Society of Management Accountants of Canada.

4.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 10
CI-92-B

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: City Initiative 92-B - Review of "Home Occupation" Uses

RECOMMENDATION:

That approval be given to City Initiative 92-B, to amend Zoning By-law No. 6593, as amended by By-law No. 81-20, to provide for a revised definition of "Home Occupation", on the following basis:

- i) That subsection 2.(2)H.(iii) of Zoning By-law No. 6593, as amended by By-law No. 81-20, be further amended by:
 - a) deleting the preamble "but does not include an incidental and secondary use that consists of," and deleting clauses (h),(i), (j) and (k):
 - b) inserting new clauses (h) and (i) as follows:
 - "(h) shall include an incidental and secondary use limited to not more than:
 - 1. one hairdresser or one barber;
 - 2. one comb-out centre; and,
 - 3. one hair styling sink;
 - (i) shall not include an incidental and secondary use that consists of:
 - 1. motor vehicle repairs, auto body repairing and painting of motor vehicles; and,

2. keeping of scrap and salvage material."

- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- iii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

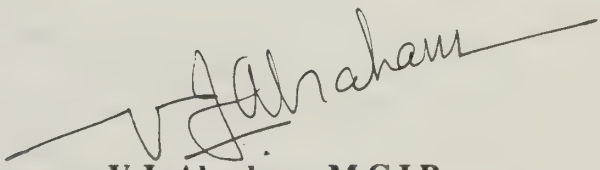
The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by amending Section 2 - Interpretation and Definitions, by revising the definition of "Home Occupation".

The effect of the By-law is to allow hairdressing and barbering as a home occupation, subject to the following special provisions:

- it shall be carried on by not more than one hairdresser or one barber;
- it shall include not more than one comb-out centre; and,
- it shall include not more than one hair styling sink.

In addition, the By-law provides for the renumbering and reorganization of clauses (h) to (k) of subsection 2.(2)H.(iii), for clarification only.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Planning And Development Committee

On April 8, 1992, the Planning and Development Committee requested the Planning and Development Department to undertake a review of the definition of "Home Occupation" Uses, to determine the feasibility of amending Zoning By-law No. 6593 to allow some additional home occupation uses.

- City of Hamilton Policy and Regulations

1) Official Plan

The City of Hamilton Official Plan permits home occupation uses within areas designated "Residential", in accordance with the following policy:

"A.2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:

- i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
- ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,
- iii) The Home Occupation use will not detract from the RESIDENTIAL character of the area."

2) Zoning By-law Regulations

City of Hamilton Zoning By-law No. 6593 permits home occupation uses as of right in all zoning Districts. Home occupations are defined as "any incidental and secondary use carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence, that does not change the character of the dwelling unit where...", and are subject to a number of conditions.

3) **By-law No. 81-20**

On January 13, 1981, Council passed By-law No. 81-20, which amended Zoning By-law No. 6593 by revising the definition of "home occupation" (see Appendix "A"). Hairdressing and barbering, among other uses, were removed as permitted home occupations, at the request of the Planning and Development Committee.

• Previous Zoning Applications Involving Home Occupations

Since 1985, the City has received seventeen rezoning applications requesting home occupation uses not currently permitted (see Table 1, Appendix "B"). Sixteen of these requests were for hairdressing or barbering as home occupations, within existing dwellings. One request was for a psychiatrist's office, however, this application was withdrawn by the applicant due to numerous objections.

Of the sixteen hairdressing or barbering applications, all were supported by the Planning and Development Department. The Planning and Development Committee and Council approved fifteen applications and denied one (ZA-91-52). Three of the fifteen applications were referred to the Ontario Municipal Board. Two of the appeals were dismissed without a hearing and the amending By-laws were approved by the Board. The third OMB referral (ZA-91-44 - No. 126 Lilacside Drive) is awaiting a hearing date.

Generally, hairdressing and barbering as home occupations have been approved, on the basis that:

- the City of Hamilton Official Plan permits home occupation uses;
- hairdressing as a home occupation is no less feasible than home occupation uses currently allowed by Zoning By-law No. 6593;
- they are often part time in nature and cater primarily to walk in trade from the area residents;
- they are restricted to one comb-out centre and one hair styling sink and must be carried on by not more than one hairdresser having principle and permanent residence on the premises;
- they do not alter the residential character of the dwellings; and,
- traffic and parking generation have not been a problem, due to the limitations placed on the hairdressing/barbering establishments.

- Home Occupation Regulations in Other Municipalities

Seven municipalities were surveyed, to determine the types of home occupations permitted in residential areas (see Table 2, Appendix "C"). Of the seven, five municipalities did permit home occupation uses and two municipalities did not (Ancaster and Scarborough). Of the five that did permit home occupations, two municipalities permitted very limited types of home occupations (Mississauga and North York). The remaining three municipalities permitted home occupations, subject to specific regulations (Burlington, Oakville and Stoney Creek).

Hairdressing or barbering as a home occupation could be permitted in Oakville, Burlington, and possibly Mississauga (ie. by a person with a physical disability). The City of Stoney Creek prohibits hairdressing as a home occupation.

COMMENTS:

1. The City of Hamilton Official Plan permits home occupations uses on lands designated "Residential". The proposal to include hairdressing and barbering establishments as home occupations complies with the intent of the Official Plan.
2. Since By-law No. 81-020 was passed, the Planning and Development Committee and City Council have approved numerous rezoning applications to permit hairdressing/barbering establishments as home occupations.

Furthermore, it is felt that the perceived impacts of hairdressing and barbering home occupations have been effectively mitigated by imposing certain restrictions on the establishments.

3. A general text amendment to Zoning By-law No. 6593 to include hairdressing and barbering as a home occupation, has merit for the following reasons:
 - it would comply with the intent of the Official Plan, which permits home occupation uses;
 - hairdressing/barbering as a home occupation is no less feasible than home occupation uses currently allowed by Zoning By-law No. 6593;
 - the businesses are often part time in nature and cater primarily to walk in trade from the area residents;
 - the businesses do not alter the residential character of the dwellings; and,

- traffic and parking generation have not been a problem, due to the limitations placed on the hairdressing/barbering establishments.
4. In order to effectively limit the hairdressing or barbering home occupations, they should be limited to operation by one hairdresser or one barber having principle and permanent residence on the premises, and restricted to one comb-out centre and one hair styling sink, in keeping with past practice.
 5. It should be noted that the proposed City Initiative would have the effect of re-establishing hairdressers and barbers, as home occupations. Further, it would allow for the establishment of hairdresser or barber home occupations previously denied by City Council (eg. ZA-91-52 - No. 52 Heather Road).
 6. In connection with the proposed changes to the definition of "Home Occupation", clauses (h) to (k) of subsection 2.(2)H.(iii) should be reorganized and renumbered, for clarification only.

CONCLUSION:

On the basis of the foregoing, a general text amendment to amend the definition of "Home Occupation" to include hairdressing or barbering can be supported.

CL-M

SCHEDULE "A"

The Corporation of the City of Hamilton

BY-LAW NO. 81- 20

To Amend:

General Zoning By-law No. 6593

Respecting:

HOME OCCUPATION

WHEREAS By-law No. 6593, passed on the 25th day of July, 1950, and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951 (File No. P.F.C. 3821) provides for the definition of "Home Occupation";

AND WHEREAS it is intended to amend the said zoning by-law by substituting a revised definition of "Home Occupation";

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under The Planning Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subclause (iii) of clause H of subsection 2 of section 2 is repealed and the following substituted therefor:

- (iii) "Home Occupation" shall mean any incidental and secondary use carried on for remuneration entirely within a dwelling unit by members of a family residing in the dwelling unit as their principal place of residence, that does not change the character of the dwelling unit where,
 - (a) no goods, wares or merchandise or any personal property is kept for sale, offered for sale or sold upon the premises except such goods, wares or merchandise or any personal property that is produced on the premises and;
 - (b) there is no sign or notice posted on the premises except one unlighted name plate having an area of not more than 0.2 square metres, attached to and as nearly as practicable flush with a wall of the building; and
 - (c) there is no display to indicate to persons outside the premises that any part of the premises is being used for any purpose other than that of a dwelling; and

- (d) no materials, equipment or finished or unfinished goods, wares or merchandise is stored outside of the dwelling or a dwelling unit; and
- (e) any part of the basement or cellar and not more than 15% of the habitable floor area of the dwelling unit are used for the following purposes:
 - 1. The incidental and secondary use.
 - 2. The storage of materials, equipment or finished or unfinished goods, wares or merchandise; and
- (f) no mechanical or other equipment is used or kept on the premises except as is customarily employed in dwellings for hobbies, domestic or household purposes or for any purpose normal to, or reasonably consistent with, the use of the building as a dwelling; and
- (g) no noise, vibration, fumes, odour or dust is emitted to the environment outside of the building,

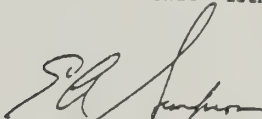
but does not include an incidental and secondary use that consists of,

- (h) hairdressing;
- (i) barbering;
- (j) motor vehicle repairs, auto body repairing and painting of motor vehicles;
- (k) keeping of scrap and salvage material.

2. The City Clerk is hereby authorized and directed to proceed as soon as possible with the giving of notice of the passing of this by-law, including a brief explanation of its purpose, and with the carrying out of all other directions of the Ontario Municipal Board relating to the giving of such notice.

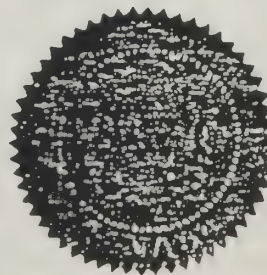
3. The City Solicitor is hereby authorized and directed to make application to the Ontario Municipal Board for the necessary approval of this by-law.

PASSED this 13th day of January A.D. 1981.


City Clerk


Mayor

(1980-1981) 1 R.P.D.C. 6, December 9



CI-92-B - REVIEW OF HOME OCCUPATION USES

Table 1 - Zoning Applications Involving "Home Occupations"

File No.	Zoning Change	Location	Proposed Use	Staff Recomm.	P & D Recomm.	Council/OMB Decision
ZA-85-70	Modification to "C"	920 Concession St.	hairdressing salon*	approval	approval	approved
ZA-86-07	Further mod. to "D"	110 Limeridge Rd. W.	hairdressing salon*	approval	approval	approved
ZA-86-48	Modification to "D"	461 Upper Wentworth St.	hairdressing salon*	approval	approval	approved
ZA-86-102	Modification to "D"	135 Britannia Ave.	hairdressing salon*	approval	approval	approved
ZA-87-10	Modification to "C"	101 Beachwood Ave.	hairdressing salon*	approval	approval	approved by OMB (no hearing, appeal dismissed)
ZA-87-27	Modification to "C"	1019 Fennell Ave. E.	hairdressing salon*	approval	approval	approved
ZA-87-49	Modification to "C"	27 Rowntree Dr.	hairdressing salon*	approval	approval	approved
ZA-87-87	Modification to "D"	137 Queen St. N.	hairdressing salon*	approval	approval	approved
ZA-87-88	Modification to "C"	166 Gainsborough Rd.	hairdressing salon*	approval	approval	approved
ZA-87-83	Modification to "D"	56 Liliacside Dr.	hairdressing salon*	approval	approval	approved by OMB (no hearing, appeal dismissed)
ZA-87-118	Modification to "C"	110 Mohawk Rd. E.	hairdressing salon*	approval	approval	approved
ZA-88-20	Modification to "C"	295 Queen St. S.	psychiatrist office	approval	withdrawn by applicant due to numerous objections	
ZA-88-93	Modification to "C"	101 Folkstone Ave.	hairdressing salon*	approval	approval	approved
ZA-89-39	Modification to "C"	404 Cochrane Rd. S.	hairdressing salon*	approval	approval	approved
ZA-91-44	Modification to "C"	126 Lilacside Dr.	hairdressing salon*	approval	approval	approved - By-law referred to OMB, awaiting hearing date
ZA-91-52	Modification to "B-1"	52 Heather Road	two-family dwelling and barbershop	approval	denied	two-family dwelling - approved barbershop - denied
ZA-91-75	Modification to "D"	22 Greig St.	hairdressing salon*	approval	approval	approved

*hairdressing salon with one comb-out centre and one hair styling sink and carried on by not more than one hairdresser having principle and permanent residence on the premises.

CI-92-B - REVIEW OF HOME OCCUPATION USES

Table 2 - Summary of Home Occupation Regulations in Other Municipalities

<u>Municipality</u>	<u>Home Occupations Permitted?</u>
Ancaster	No.
Burlington	Yes. Home occupations permitted, subject to specific regulations.
Mississauga	Yes. Limited types of home occupations, including physicians, dentists or drugless practitioners, music tutoring, home occupations established by persons with a physical disability and subject to specific regulations.
North York	Yes. Limited types of home occupations, including physicians, dentists or drugless practitioners, private music instruction, teaching of academic subjects of a liberal fine arts nature and subject to certain conditions and subject to specific regulations.
Oakville	Yes. Home occupations permitted, subject to specific regulations.
Scarborough	No.
Stoney Creek	Yes. Home occupations permitted, subject to specific regulations and does not include a number of uses, such as: hairdressing, preparation of food, motor vehicle repairs, etc.

5.

CITY OF HAMILTON RECEIVED

- RECOMMENDATION -

JUL 15 1992

CITY CLERKS

DATE: 1992 June 30
ZA-91-76
Allison Neighbourhood

REPORT TO: Tina Agnelo, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for changes in zoning - lands on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 91-76, 200 Rymal Road Inc. (John A. Parente), owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); and from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "2"), to permit a single-family dwelling on Block "1" and townhouses and/or multiple dwellings (stacked townhouses) on Block "2", for lands on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to lands shown as Block "2", be modified to include the following variances as special requirements:
 - a) That notwithstanding Sections 10C and 10E of Zoning By-law No. 6593, no building or structure except a fence, shall be set back less than 21.0 m from the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which shall be set back not less than 6.0 m ;

- b) That a minimum 21.0 m wide landscaped area shall be provided and maintained along the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which shall have a minimum width of 6.0 m;
- c) That Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply to the land fronting onto Rymal Road East or Upper Wellington Street, located in Block "2";
- d) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2";
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-9D and E-9E be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council;
- vi) That the proposed changes in Zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- vii) That the Allison Neighbourhood Plan be amended by redesignating Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".

EXPLANATORY NOTE:

The purpose of the By-law is to provide for changes in zoning for lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:

- | | |
|-----------|---|
| Block "1" | Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. |
| Block "2" | Change from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District. |


The effect of the By-law is to permit a single-family dwelling on Block "1", and to permit either townhouses and/or multiple dwellings (stacked townhouses) on Block "2".

In addition, the By-law provides for the following variances as special requirements:

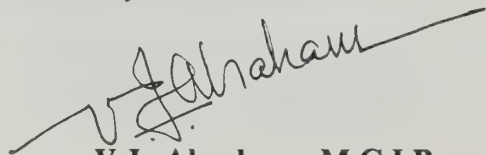
- To require a minimum 21.0 m wide setback for any buildings or structures, except a fence, measured from the westerly lot line of Block "2", except for the land adjacent

to the easterly lot line of Block "1", which will require a minimum setback of 6.0 m;

- To require a minimum 21.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line of Block "2", except for that area of land adjacent to the easterly lot line of Block "1", which shall have a minimum 6.0 m wide landscaped planting strip;
- To prohibit street townhouse dwellings located on Block "2" fronting directly onto Rymal Road East and Upper Wellington Street; and,
- To require a visual barrier not less than 1.2 m and not more than 2.0 m in height to be provided and maintained along the entire westerly lot line of Block "2".



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the proposed changes in zoning are to permit development of Block "1" for a single-family dwelling and the development of Block "2" for townhouses and/or multiple dwellings (stacked townhouses).

APPLICANT:

200 Rymal Road Inc. (John A. Parente), owner.

LOT SIZE AND AREA:

Block "1"

- 15.24m (50.0 ft.) of lot frontage on Rymal Road East;
- 39.62m (130.00 ft.) of lot depth; and,
- 603.85 m² (6,500 sq.ft.) of lot area.

Block "2"

- 104.44 m (342.65 ft.) of lot frontage on Rymal Road East;
- 86.63 m (284.21 ft.) of lot depth; and,
- 9,047.63 m² (97,391.14 sq. ft.) of lot area.

The site has a combined area of approximately 1.17 ha (2.9 ac.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant lands and a single- family dwelling	"AA" (Agricultural) District
to the south	vacant	"AA" (Agricultural) District
to the east	Mount Hamilton Cemetery	"AA" (Agricultural) District
to the west	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A"- Land Use Concept of the Official Plan. The following policies would apply, among others:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;

- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Block "1" is designated in part for "Large Lot" and in part for "Very Large Lot" "SINGLE AND DOUBLE RESIDENTIAL" development, and Block "2" is designated for "ATTACHED HOUSING" development on the approved Allison Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation of Block "2" to "LOW DENSITY APARTMENTS" (see Appendix "B" attached).

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. No concept drawing submitted to determine compliance with Zoning By-law 6593."
- The Traffic Department has advised that:

"The applicant should be advised that, as a result of future reconstruction and channelization of the intersection at Rymal Road and Upper Wellington, access to the site may be restricted to right turns in and out only."

In addition to the foregoing comments, the Traffic Department has further recommended that, "no street townhouses be permitted direct frontage onto Rymal Road E. or Upper Wellington St."
- The Hamilton Wentworth - Roads Department has advised that:

"There are existing watermains available to service these lands. Separate storm and sanitary sewers will not be available until sometime later in 1992."

The designated road allowance width of Rymal Road is 36.58m. According to our records, the Region previously acquired road widenings. As the applicant is aware, Upper Wellington will likely be extended to the south of Rymal Road as a mid-block collector street into the neighbourhood.

To ensure that these roadways and widenings are properly established, we recommend that as a condition of development approval, that the applicant/owner determine the offset between their lands and the centreline of the original Upper Wellington Street road allowance north of Rymal Road (includes bearing lines).

A 26.0m width road allowance for a length of +/- 90m must be established at the southwest widened limits of Upper Wellington Street and Rymal Road. We also require that a 12.19m x 12.19m daylight triangle be established at the southwest widened limits of Upper Wellington Street and Rymal Road.

It is unclear at this time as to the extent of lands required for road widening, road establishment of Upper Wellington Street and the daylight triangle. Therefore as a condition of development approval, we also recommend that all lands required for roadway purposes be dedicated to the City/Region respectively.

It would also appear from the plans submitted, that the subject lands are not part of the subdivision to the south whereas our assessment records indicate the property has not been severed and therefore these lands should be dealt with by Land Severance Application and all outstanding servicing costs, etc. be recovered. As it stands now, the severance will occur by default.

We advise at this time, that only works which may occur within the adjacent road allowances, as widened, must conform to the respective Streets By-laws.

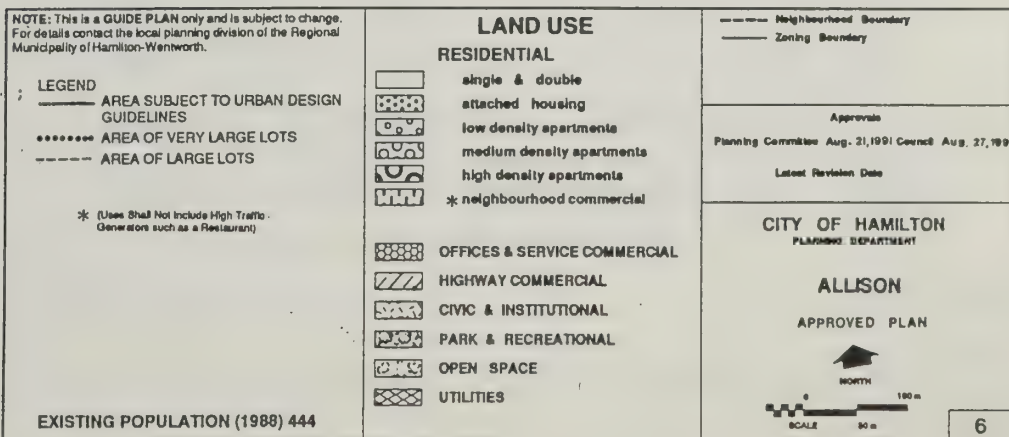
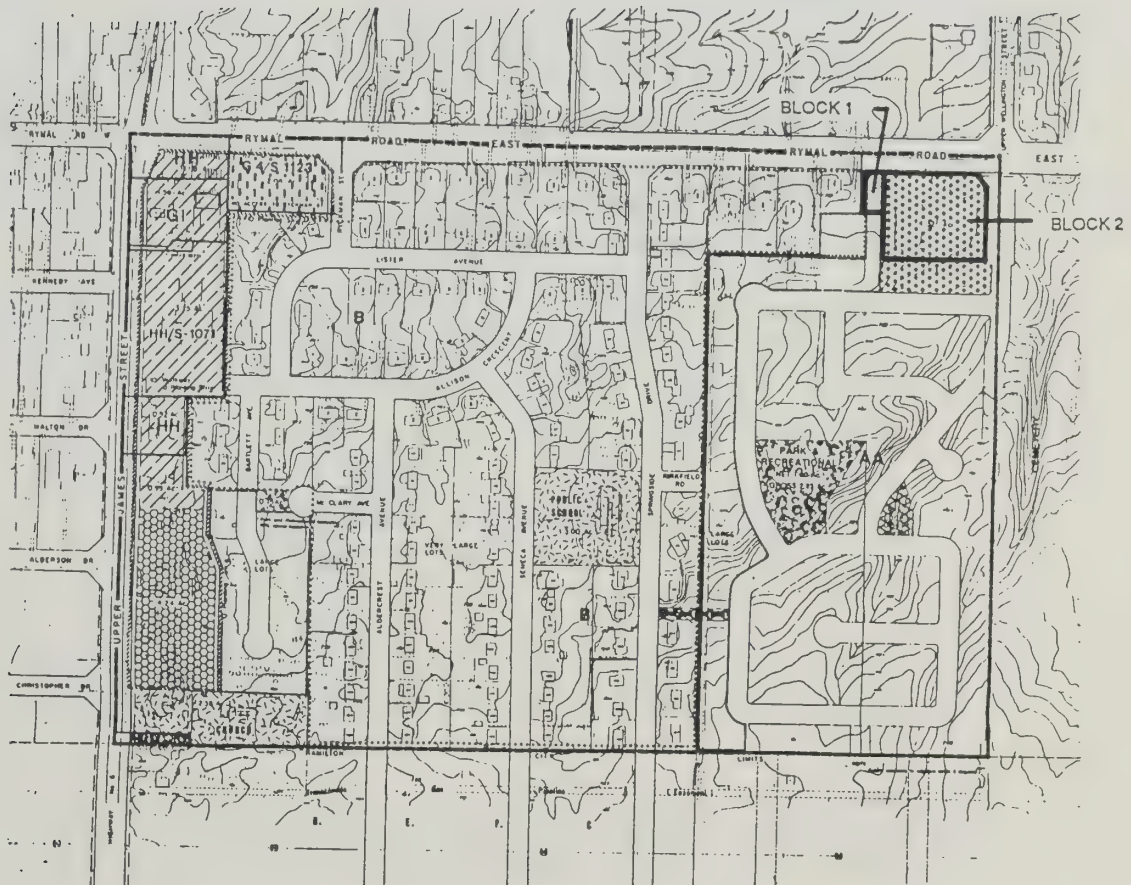
We recommend that the subject lands be developed through Site Plan Control. We will comment further at that time.

The applicant indicates a Block 163 on Allison Estate draft plan of subdivision as road widening whereas our records show we own it already as Part 3 on plan 62R-1201. The owner should clarify this."

- The Hamilton Region Conservation Authority, Ministry of Housing and TransCanada Pipelines have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Allison Neighbourhood Plan. Approval of the application would require redesignation of Block "2" from "ATTACHED HOUSING" to "LOW DENSITY APARTMENTS".
3. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the Official Plan by providing for RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
 - it would be compatible with existing and planned low density development in the surrounding area;



- it is suitably located at the intersection of two major roads, (Rymal Road East and Upper Wellington Street), is on a public transit route (Route 25), and is within close proximity to existing and planned commercial development along Rymal Road East;
 - the requested zoning would be appropriate for the proposed development;
4. In keeping with the intent of the approved Allison Neighbourhood Plan and with an agreement reached between the applicant and the adjoining property owner at No.176 Rymal Road East (Marshall-Bethune), the amending By-law should provide for the following variances as special requirements:
- To require a minimum 21.0 m wide setback for any buildings or structures, except a fence, measured from the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which will require a minimum setback of 6.0 m;
 - To require a minimum 21.0 m wide landscaped area strip to be provided and maintained along the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which shall have a minimum 6.0 m wide landscaped planting strip; and,
 - To require a visual barrier not less than 1.2 m and not more than 2.0 m in height to be provided and maintained along the entire westerly lot line of Block "2".

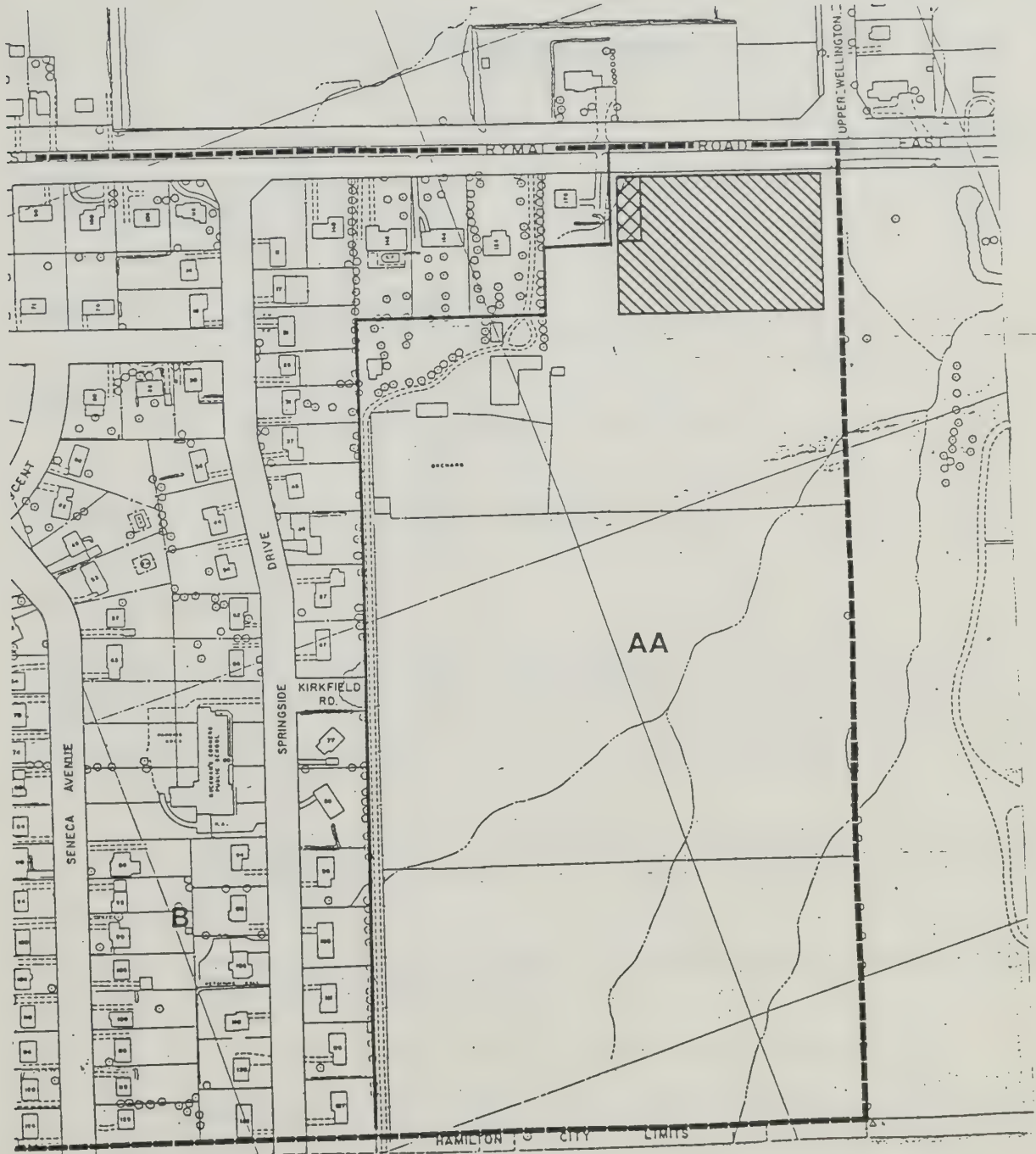
In addition, in keeping with the request of the Traffic Department, the amending By-law should prohibit street townhouse development located on Block "2" fronting onto Rymal Road East and Upper Wentworth Street.

- 5 As noted by the Roads Department, the subject lands do not form part of a draft plan of subdivision. However, the applicant recently filed an application for approval of a draft plan of subdivision and for a rezoning (Files 25T-91014rev.& ZA-91-23) of the adjoining lands to the south. In this regard, as the proposal involves the acquisition of lands from the Region for the extension of Upper Wellington Street, matters concerning the recovery of servicing costs, etc. will be addressed at that time.
6. The requested "DE-3" (Multiple Dwellings) District zoning is subject to Site Plan Control By-law 79-275, as amended by By-law 87-223. Matters such as parking, loading, access, grading, landscaping and fencing, etc. will be dealt with at the site plan control stage of development.

CONCLUSION:

On the basis of the foregoing, the amended application can be supported.


GAW/
ZA9176



Legend

Proposed change in zoning from "AA" (Agricultural) District to:

BLOCK 1  "C" (Urban Protected Residential, etc) District

BLOCK 2  "DE-3" (Multiple Dwellings) District

ZA-91-76

6.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 3
ZA-92-24
Kennedy East

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

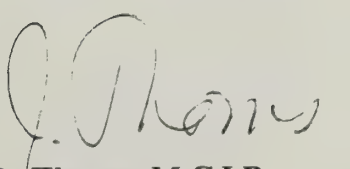
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

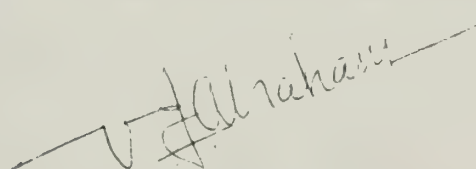
SUBJECT: Request for rezoning - 62 Kennedy Avenue

RECOMMENDATION:

That Zoning Application 92-24, Stanley Hinz, owner, requesting a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit the creation of a single-family dwelling lot, for the property located at No. 62 Kennedy Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- it is contrary to the Council adopted policy for this portion of the Kennedy East Neighbourhood of allowing for the creation of additional lots fronting onto Christie Street only;
- it is incompatible with the character of the existing development in this portion of the Neighbourhood;
- it is an indiscriminate mix of lots sizes which is undesirable; and,
- approval of the application would encourage other similar applications, which if approved, would undermine the character of the Neighbourhood.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed rezoning is to create a lot for a single-family dwelling. The applicant has made an application to the Regional Land Division Committee.

- Land Division Committee Application No. H-55-92

On June 2, 1992, the Region's Land Division Committee approved a severance of the subject lands to convey a 12.2 m (40 feet) by 60.96 m (200 feet) lot for residential purposes. The approval was granted with a number of conditions including:

"Satisfy ALL relevant requirements of the City of Hamilton including any necessary rezoning or variance."

- Neighbourhood Plan Review

On April 18, 1990, the Planning and Development Committee considered a Neighbourhood Plan Review which examined the potential for development within this portion of the Kennedy East Neighbourhood. At that time, it was identified that the only opportunity to provide for additional lots was along Christie Street. In this regard, approximately 18 additional single-family residential building lots could be created (see APPENDIX "B"). The subject lands, located on the north side of Kennedy Avenue, were not identified as having potential for a new single-family lot. The Planning and Development Committee endorsed the concept of allowing for the creation of additional lots fronting onto Christie Street only.

APPLICANT:

Stanley Hinz, owner.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 27.43 m (90 feet) on Kennedy Avenue;
- a lot depth of 60.96 m (200 feet); and,

- a lot area of 1672.25 m (18, 000 square feet).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwelling	"B" (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single family dwellings and vacant	"C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial) District modified
to the south and east	single family dwellings	"B" (Suburban Agricultural Residential, etc.) District
to the west	single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
 - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE & DOUBLE RESIDENTIAL" in the approved Kennedy East Neighbourhood Plan. The proposal does not conflict with the "SINGLE & DOULBE RESIDENTIAL" designation however, it does conflict with the findings of a Neighbourhood Plan review undertaken in April, 1990, which concluded that the only potential for creating additional lots in this Neighbourhood were those that would front onto Christie Street.

COMMENTS RECEIVED:

- The Traffic Department, Hamilton Region Conservation Authority, Union Gas and TransCanada Pipelines have no comments or objections.
- Building Department has advised:
 - "1. The existing dwelling will require a minimum 1.2m easterly side yard."

- The Hamilton-Wentworth Roads Department advises:

"There are public water mains and separate storm and sanitary sewers available to service these lands.

Any works which may occur within the Kennedy Avenue road allowance must conform to the City of Hamilton Streets By-Law.

The Traffic Department is to comment on access. The grade of the driveway within the Kennedy Avenue road allowance should not exceed 3 percent and 7 percent on private property."

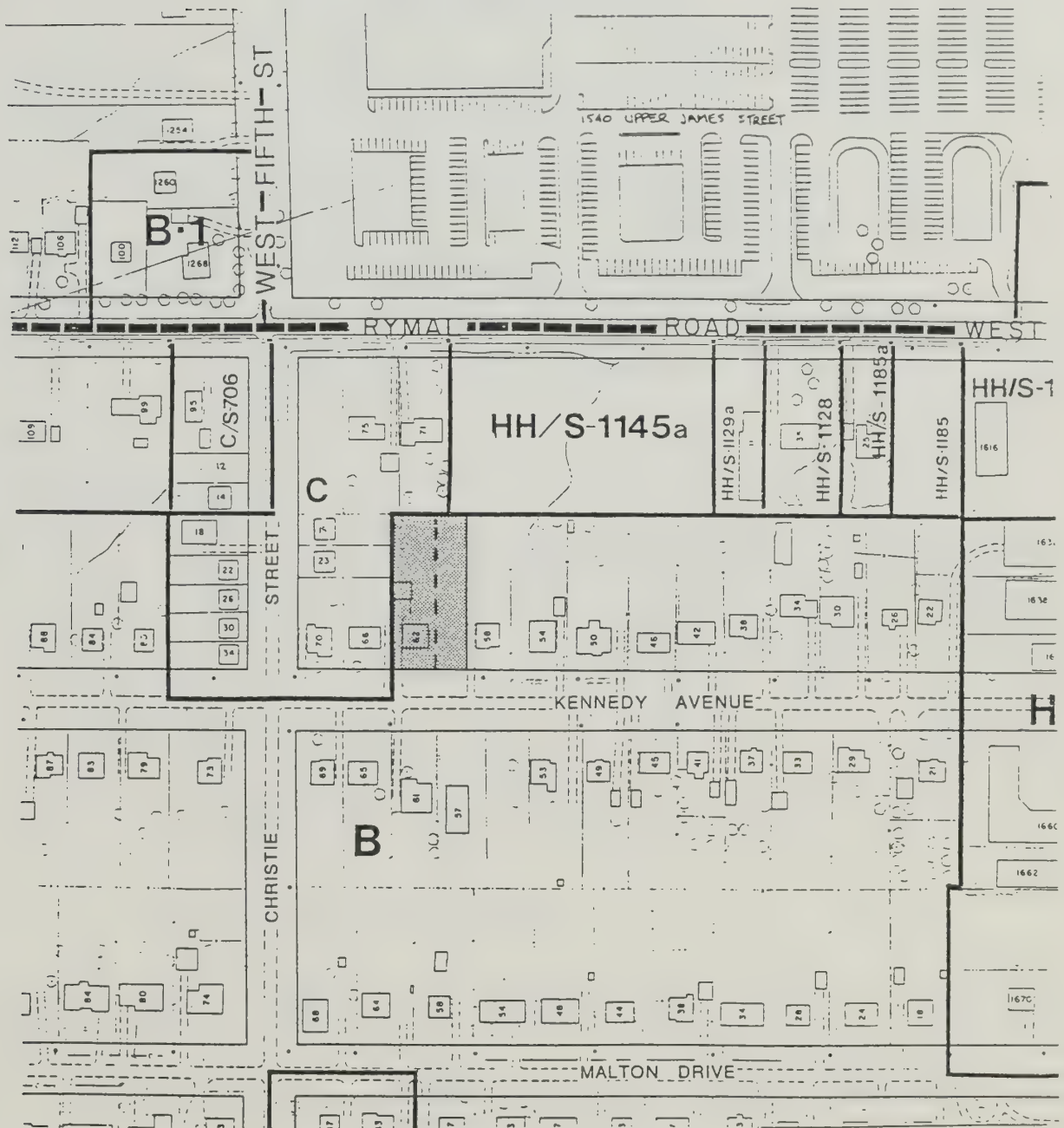
COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal to create a single family dwelling lot fronting onto Kennedy Avenue cannot be supported for the following reasons;
 - it is contrary to the Council adopted policy for this portion of the Kennedy East Neighbourhood Plan of allowing for the creation of additional lots fronting onto Christie Street only;
 - it is incompatible with the character of the existing development in this portion of the Neighbourhood;
 - it is an indiscriminate mix of lots sizes which is undesirable; and,
 - approval of the application would encourage other similar applications which, if approved, would undermine the character of the Neighbourhood.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

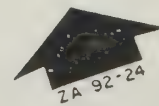
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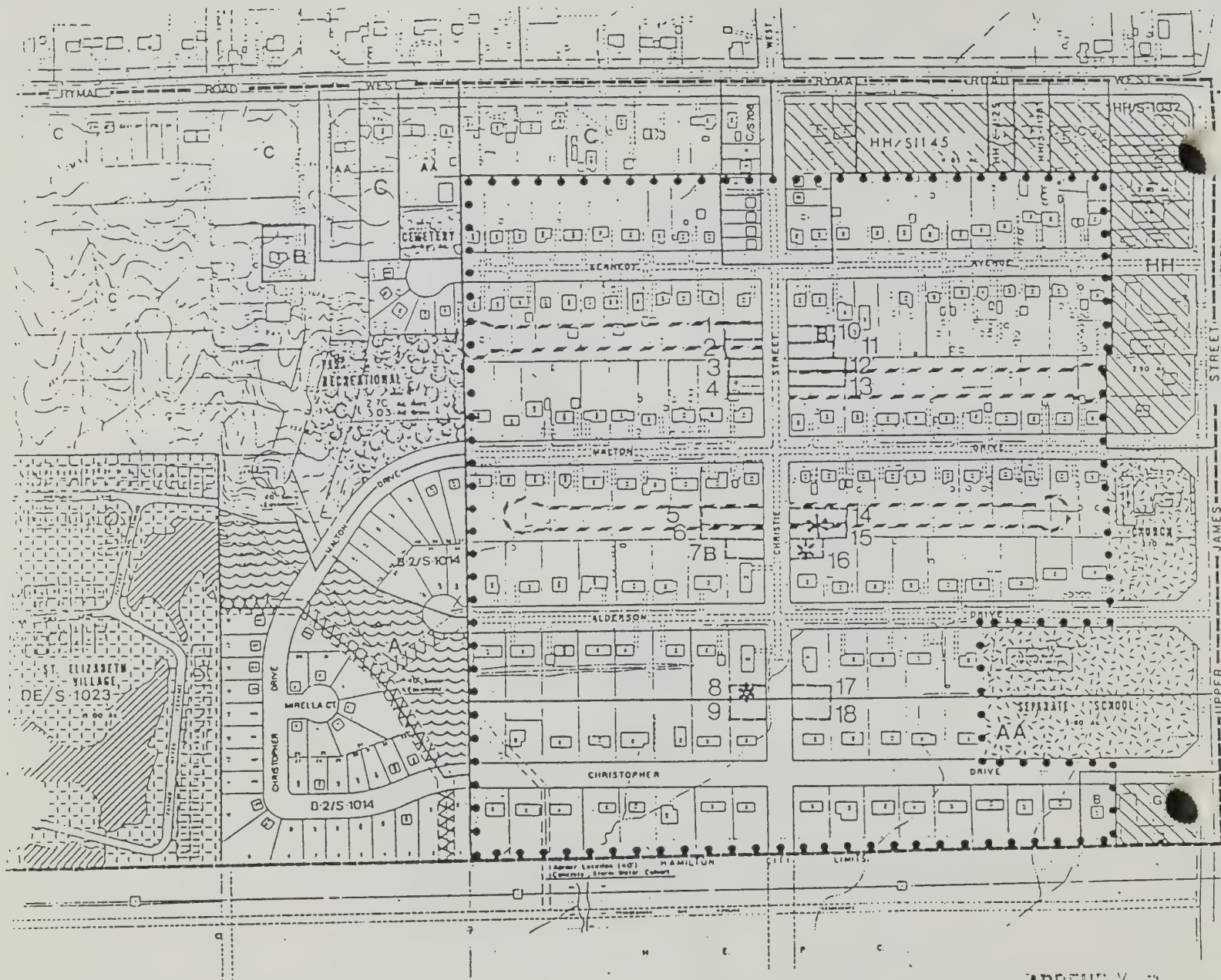
Legend



Site of the Application



APPENDIX A



APPENDIX B

NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND

ST. ELIZABETH VILLAGE POND AREA 14.70 Acres (existing)

POSSIBLE ROADS

POTENTIAL LOTS (18)

STUDY AREA

ZONING APPLICATIONS

LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments
- st. elizabeth retirement village
- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- FLOOD PRONE LANDS

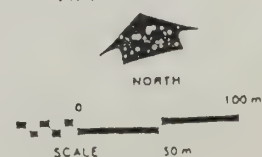
- Neighbourhood Boundary
- Zoning Boundary

Approvals
Planning Committee MAR 11, 1987 Council MAR 31, 1987
Latest Revision Date JANUARY 10, 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

KENNEDY EAST

APPROVED PLAN



CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED 7.

JUL 15 1992

CITY CLERKS

DATE: 1992 July 14

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: 1. Proposed Rezoning Application
2. Proposed Draft Plan of Subdivision "Highridge South"

RECOMMENDATION:

1. Zoning Application

That approval to given to Zoning Application 91-83, Bruslan Development Corporation, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District (Block "2") and "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), to permit single-family detached dwellings and a park, for the property located south-west of Upper Paradise Road and Rymal Road West, shown as Block "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation Open Space, Park and Recreation) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27E and W-37E for presentation to City Council; and,
- iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning for lands in the area south-west of Upper Paradise Road and Rymal Road West, as shown on the attached map marked as Appendix "A", on the following basis:

- Block "1" - Change in zoning from "AA" (Agricultural) District to "A" (Conservation, Open Space, Park and Recreation) District; and,
- Block "2" - Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

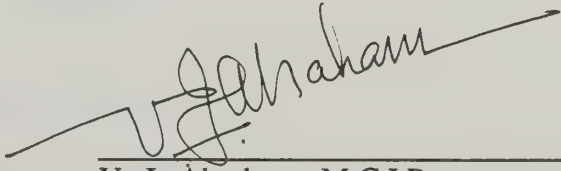
The effect of the by-law is to permit development of the subject lands for single-family detached dwellings and a park.

2. Subdivision Application:

- A) That approval be given to application 25T-92002, Brusan Developments, owner, to establish a draft plan of subdivision in the area south of Rymal Road West and east of the City limits, subject to the following conditions:
1. That approval apply to the plan prepared by Planning Initiatives Ltd., dated 90/07/10 showing 231 lots and various blocks revised in red as follows:
 - to terminate Street A at Street G with a corner rounding and required relotting;
 - to provide a 12m sewer easement from Street A to the east limit of the subdivision lands;
 - to provide storm sewer and watermain easements as required by the Regional Roads Department;
 - to delete certain reserve blocks and to number the remaining lettered blocks;
 - to provide 2m X 2m daylighting triangles at the corner of Lots 79 and 196;
 - to provide 9m radius transitional curves at the beginning and end of all street bulbs;
 - to provide street widening adjacent to Rymal Road West to 18.0m from the centreline;
 - to provide an angle on Street C of less than 120 degrees and a centreline radius of the roadway of 30m or less.
 2. That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
 3. That the streets and walkway be dedicated to the City of Hamilton as public highways and public walkway in the final plan.

4. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 5. That the final plan conform to the Zoning By-law approved under the Planning Act.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That the owner convey Block 232 to the City of Hamilton for park purposes.
 9. That Blocks 234 to 242 inclusive be developed only in conjunction with abutting lands.
 10. That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
 11. That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.
 12. That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.
- B) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application, (25T-92002) Brusar Development Corporation, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

J. D. Thoms, M.C.I.P.
Commissioner
Planning & Development Department



V. J. Abraham, M.C.I.P.
Director
Local Planning Branch

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Brusan Development Corp., Stoney Creek, Ontario.

Agent:

Planning Initiatives Ltd., Hamilton, Ontario.

Surveyor:

J. D. Barnes Limited, Hamilton, Ontario.

Location:

The lands, comprising 17.883ha, are located to the south of Rymal Road West, east of the City limits in the Carpenter Neighbourhood, City of Hamilton.

Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north, east	Residential	"B" (Suburban Agricultural and Residential, etc.) District
to the south, west	lands of Ontario Hydro	

Rezoning Proposal:

The owner proposes to rezone the lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "A" (Conservation, Open Space, Park and Recreation) District.

Subdivision Proposal:

The owner proposes to subdivide the lands into 231 lots for single family dwellings, 1 block for park, 9 blocks for future development, 1 block for a temporary entrance, 9 blocks for 0.3m

reserves and new streets to service the lots and blocks. The minimum lot size proposed has a width of 12.19m and an area of 390m².

Existing Development Controls:

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

City of Hamilton Official Plan - subject to approval of Official Plan Amendment No. 112 the lands will be designated "Residential and "Open Space". The proposal will comply.

Neighbourhood Plan - the lands are designated for "Residential-single and double", "Park and Recreational" and "Utilities", - subject to a street pattern change and inclusion of a 12m sewer easement at the south-east corner of the plan, the proposal will comply.

Zoning - the changes noted in Appendix "A" are required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Comments from Circulation:

1. Rezoning Application

- The following Departments and Agencies have no comment or objection:
 - Niagara Peninsula Conservation Authority;
 - Hamilton Region Conservation Authority;
 - Building Department;
 - Town of Ancaster;
 - Ontario Hydro; and,
 - Transport Canada.
- The Traffic Department has reviewed the application and has forwarded the following comment;

"The purpose of this letter is as a follow-up to recent meetings held between the developers and Regional Roads, Planning and Traffic Departments staff. The purpose of these discussions have been to explore options with respect to providing access to this proposed subdivision from Rymal Road West.

As a result of these discussions, a roadway design, as illustrated on the attached sketch (see Appendix "B"), has been developed. You will note the somewhat unusual configuration of side-by-side left turn lanes necessitated by the off-set alignment with the existing Upper Paradise Road. We have reviewed this option and are prepared to allow the development of this subdivision plan with this temporary access design.

These access comments have been reviewed by both Regional Roads and City Traffic Departments and supersede previous access conditions outlined in a memorandum to Mr. Mallard by the Regional Roads Department dated 1992 May 13. Previous comments from the Traffic Department, as stated in our letter dated 1992 March 26, continue to apply.

We recommend that the southerly portion of Street "A" curve into Street "G" as shown on the Approved Plan for the Carpenter Neighbourhood.

We recommend that the lot lines of the blocks on the south-east side of Street "C" be adjusted in order to avoid the potential overlapping of driveways within the boulevard area"

- *The Roads Department has advised that:*

"There are public watermains on Rymal Road available to service these lands.

Public storm and sanitary sewers are available at the intersection of Upper Paradise Road and Rymal Road West to service the proposed development. However, due to the offset between the existing portion of Upper Paradise Road on the north side of Rymal Road and the extension of Upper Paradise Road south of Rymal Road West, sewers will have to be constructed on Rymal Road West. The Region does not plan to extend these sewers to the west City limits until 1996, but could be arranged for earlier if needed.

The designated road allowance width of Rymal Road is 36.0m. In accordance with this designation we recommend that sufficient lands be dedicated to the Region to establish this designation as shown on the attached plan. At the east side the road widening is 4.0936m in width and the west side is 6.0m.

Any works which may occur within the Rymal Road allowance as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

We have no objection to the rezoning but advise all districts must conform to the Carpenter Neighbourhood Plan designation and the streets must be revised accordingly.

As the applicant may be aware, the intersections of Rymal Road and Upper Paradise do not align and the offset between the centrelines are +/- 48 metres.

The ultimate solution to this offset is to either purchase lands on the north side or south side of Rymal Road to align these roadways centreline to centreline. However, these works have not been scheduled in the Region's/City's Five Year Capital Budget.

As a result of recent discussions between the developers, Regional Roads, Planning and Traffic Department staff, a roadway design, as illustrated on the attached sketch (see Appendix "B"), has been developed. You will note the somewhat unusual configuration of side-by-side left turn lanes necessitated by the off-set alignment with the existing Upper Paradise Road. The City of Hamilton Traffic Department has reviewed this option and they are prepared to allow the development of this subdivision plan with this interim access design.

The subdivision plan also indicates that a temporary access will be constructed over Block "L" to Rymal Road. This access cannot be approved for left turns onto Rymal Road due to limited sight distances on this section of Rymal Road due to the vertical crest curve."

- Trans Canada Pipelines have reviewed the application and have no objection to the zoning application subject to the attached conditions for any property within 200 meters of the limits of their right-of way (see Appendix "C").

2. Subdivision Application:

The following agencies have advised that they have no objection toward the proposal, however, several have requested conditions of approval:

- Ministry of Transportation
- Ministry of the Environment (conditions)
- Ministry of Natural Resources (conditions)
- Ministry of Culture and Communications (condition)
- City of Hamilton Board of Education
- Hamilton Region Conservation Authority (conditions)
- Niagara Peninsula Conservation Authority (conditions)
- Trans Canada Pipelines (conditions)
- Union Gas, Bell Telephone
- Ontario Hydro (conditions)
- Town of Ancaster
- Township of Glanbrook (conditions)
- City Building Department (subject to rezoning)
- City Traffic Department (subject to minor revisions)

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendation:

"For Information

1. *Public storm and sanitary sewers are available at the intersection of the existing Upper Paradise Road and Rymal Road West to service Lots 15 to 39 (inclusive) and Lots 62 to 88 (inclusive) of the proposed draft plan. However, due to the offset distance between Upper Paradise Road to the north, and the proposed extension of Upper*

Paradise Road to the south of Rymal Road West, sewers will have to be extended westerly in order to provide an outlet.

Public storm and sanitary sewers are not yet available on the adjacent lands to the east to service Lots 1 to 14 (inclusive), Lots 40 to 61 (inclusive) and Lots 89 to 231 (inclusive) of the proposed draft plan.

- 2. Public watermain are existing on Rymal Road West to service the proposed development. In order to provide watermain looping to the subdivision, a connection to Rymal Road West through Block "L" will be required.*
- 3. As a result of recent discussions between the developers, Regional Roads, Planning and Traffic Department staff, a roadway design, as illustrated on the attached sketch, has been developed. You will note the somewhat unusual configuration of side-by-side left turn lanes necessitated by the off-set alignment with the existing Upper Paradise Road. The City of Hamilton Traffic Department has reviewed this option and they are prepared to allow the development of this subdivision plan with this interim access design.*
- 4. Since the re-alignment details for Upper Paradise Road, north of Rymal Road West have not been finalized, a full dedication of land to the City of Hamilton of 30.280m at the extension of Upper Paradise Road south of Rymal Road West would allow for more flexibility in constructing the actual roadway. Once the re-alignment is finalized any excess lands could be reverted back to the owner.*
- 5. Street "A" at the intersection Street "G" does not conform to the Proposed Carpenter Neighbourhood Plan and this matter should be resolved between the Owner and the Planning Department.*
- 6. The future lot in Block "C", adjacent to the rear of Lots 8 and 9, and fronting on Street "D" could be developed in conjunction with this plan of subdivision.*

Recommendations:

- 1. That Lots 15 to 39 (inclusive) and Lots 62 to 88 (inclusive) not be developed until a storm and sanitary sewer outlet has been extended westerly on Rymal Road West from Upper Paradise Road, to the north, to the proposed extension of Upper Paradise Road to the south of Rymal Road West.*
- 2. That Lots 1 to 14 (inclusive), Lots 40 to 61 (inclusive) and Lots 89 to 231 (inclusive) not be developed until the adjacent lands to the east have been registered under a plan of subdivision or storm and sanitary sewer outlets have been made available for servicing these lots.*
- 3. That 6.0 metre wide storm sewer easements be established and dedicated to the Region, to extend from the Hydro Lands northerly to Street "A" in the area of Lots 118 and 119, Lots 104 and 105, and Lots 94 and 95.*

4. *That the temporary road access to the lands of the subdivision through Block "L", if required, be designed to prohibit left turns onto Rymal Road.*
5. *The Region requires a 6.0m watermain easement through Block "L" to be transferred in favour to the Region in conjunction with registration of the Final Plan of Subdivision. Should Block "L" not be required for temporary access, this Block could be reduced from a 10.0m width to a 6.0m width.*
6. *That the Owner dedicate sufficient lands to the Region in order to establish the south road allowance property line of Rymal Road West 18.00m from the centreline of Rymal Road West at Blocks "J", "L" and "V" and the road widenings are to be shown as separate Blocks, to be dedicated to the Region on the Final Plan of Subdivision.*
7. *That the Owner establish Blocks "J" and "K" on the proposed draft plan to the City of Hamilton as public road allowance in order to provide more flexibility with the re-alignment of Upper Paradise Road to the north. 0.3 metre reserves are to be established along both sides of the Upper Paradise Road extension in those areas.*
8. *That the angle on Street "C" (see attached plan) be reduced to less than 120.0 degrees and the centreline radius of the roadway be equal to, or less than 30.0m.*
9. *That 2.0 X 2.0 metre daylight triangles be established on the corner of Lots 79 and 196.*
10. *That Blocks "Q", "O" and "P" (0.30m reserves) be located within the limits of the road allowances on Street "D" and Upper Paradise Road extension. Also any dead ends or open sides of road allowances shall be terminated in 0.3m reserves and transferred to the Municipality.*
11. *That the Owner provide 9.00 metre radius transitional curves at both the beginning and end of the bulbs on Street "C", Street "E" and Street "G".*
12. *That Block "R" (0.30m reserve) be deleted from the Final Plan of Subdivision as the adjacent lands will become City Parklands and a restriction of access is not necessary.*
13. *That the Owner dedicate Block "B" to the City of Hamilton, by deed, for future roadway purposes in conjunction with the registration of the Final Plan of Subdivision.*
14. *That Block "C" be developed only in conjunction with the adjacent lands to the north and east.*

15. *That Block "N" (0.30m reserve) extending along the west limit of Street "A" be terminated at Street "B" and a separate Block (0.30m reserve) be established on the south side of Street "B" from Street "A" to the west limits of the subdivision.*
16. *That a 12.0 metre wide storm and sanitary sewer easement be established from the intersection of Street "A" and Street "G" easterly to the east limit of the subdivision, in the event that Street "A" does not extend easterly to the adjacent lands. The sewer easement is to be transferred in favour of the Region in conjunction with the registration of the Final Plan of Subdivision.*
17. *Block "A" be transferred to the City of Hamilton for Park purposes. These lands shall be used towards the 5% parkland requirements of the City.*
18. *That the applicant be required to enter into subdivision agreements with both the City and Region prior to the development of any portion of these lands.*

The submitted plan, as prepared by Steven J. Balaban, O.L.S. and stamped with the date January 14, 1992, is satisfactory to this department subject to the above noted comments and recommendations."

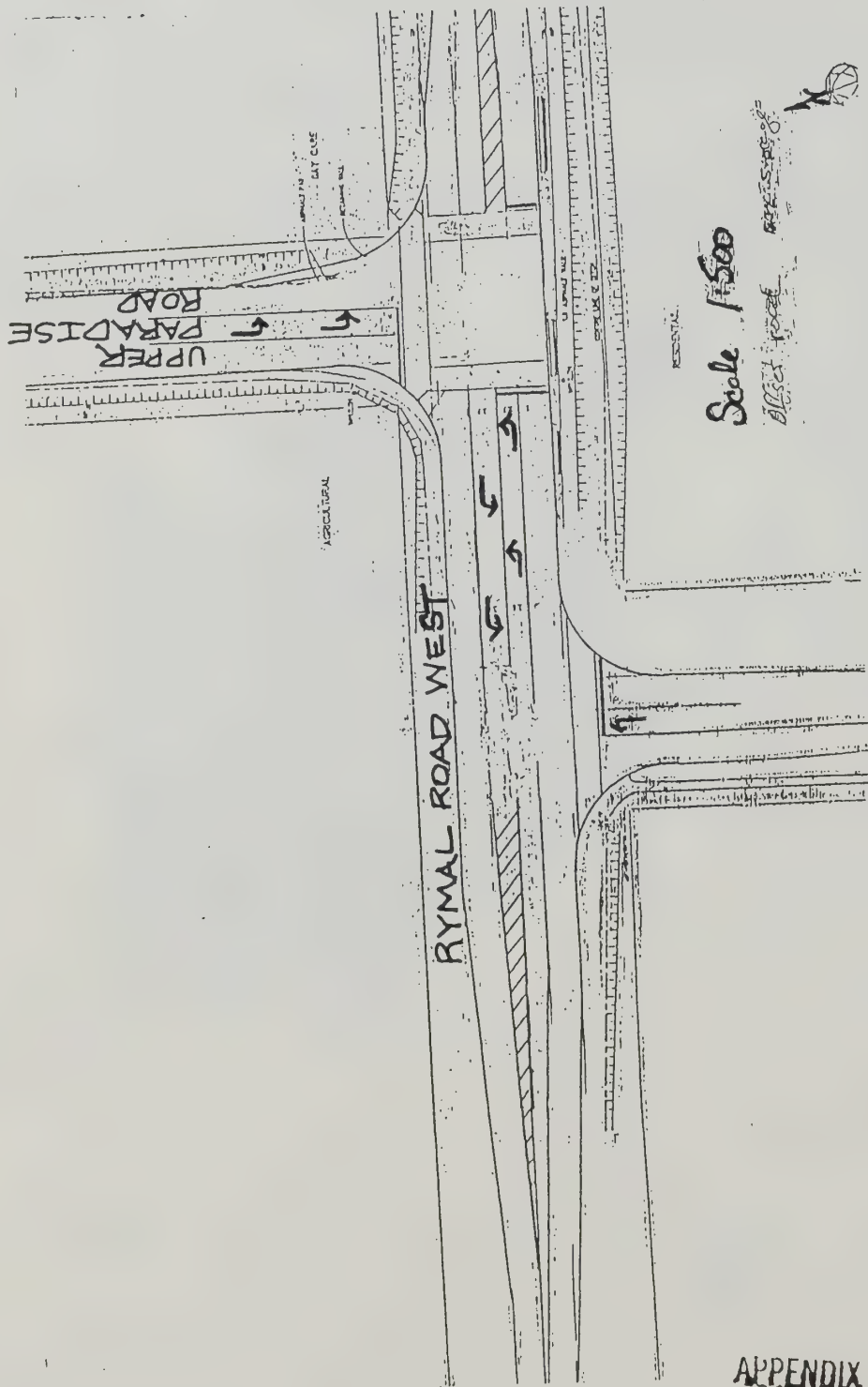
Comments:

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan. Amendments to both the Official Plan and the Neighbourhood Plan were previously dealt with by Planning and Development Committee and Council.
2. Minor red line changes to the plan are required as recommended by the Roads and Traffic Departments.
3. Until such time as Upper Paradise Road is realigned to form a single point intersection with Rymal Road West, phasing of this development may be desirable. Phasing is practically a certainty since a large portion of these lands require sewer connections through the lands to the east for which no applications for development have been received to date.
4. The Neighbourhood Plan designates an area for Park and Recreational use in the location of this subdivision, therefore, it is recommended that the parkland requirement be taken as land rather than cash-in-lieu of land for this subdivision.
5. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of both the Official Plan and the revised Carpenter Neighbourhood Plan;
 - it would be compatible with existing and future development in the area; and,

- the requested changes in zoning are appropriate for the proposed development.
6. The subject lands are within 200 metres of the Trans Canada pipeline right-of-way. The applicant must satisfy the attached conditions (see Appendix "C") if the application is approved. Comments with respect to location of permanent structures will be addressed through the requirements of "C" (Urban Protected Residential, etc.) District. Those comments related to grading, drainage, crossings, and easements will be dealt with as part of the subdivision approval process.
 7. The concerns of the other commenting agencies will be implemented through the conditions of draft approval to be established by the Regional Municipality.

LJL:CMD:dc





Scale 1/500

UPPER PARADISE ROAD

APPENDIX B

TRANSCANADA PIPELINES STANDARD CONDITIONS

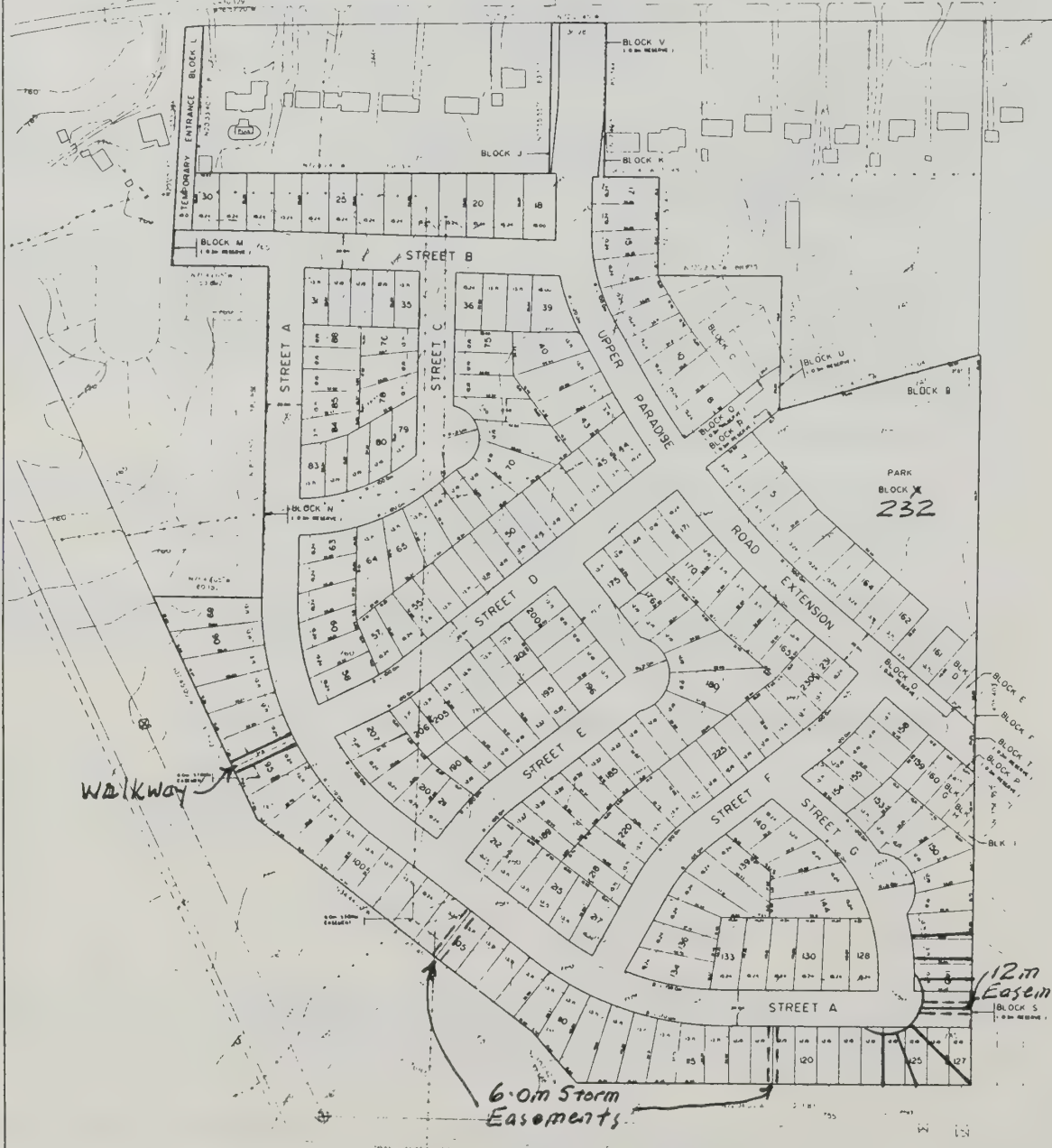
- 1) All permanent structures are to be located at least ten metres from the limits of our right-of-way. We recommend this ten metre development set-back to ensure that there will be sufficient workspace for future maintenance or construction programs.
- 2) All crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services and/or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 3) Wells or septic systems are to be located off of the right-of-way.
- 4) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 5) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 6) Road allowance limits must not be located on the pipeline right-of-way.
- 7) Both sides of the pipeline right-of-way, including any additional pipeline easements granted by the owner, should be permanently fenced -off and maintained by the owner. They should also be seeded and dedicated to the Town as passive open space or parkland (subject to TransCanada's easement rights.)
- 8) No fill or building materials may be stored on the pipeline right-of-way.
- 9) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. TransCanada's District Office in Maple (telephone 416-832-2967) must be given three working days advance notice before the commencement of construction on the site.
- 10) Landscaping of the right-of-way must be approved by TransCanada and done in accordance with TransCanada's Planting Guidelines.
- 11) Vehicle barriers, of a design acceptable to TransCanada, shall be installed where public roads cross the right-of-way.
- 12) The owner is required to grant to TransCanada any additional easements we may require for the continued safe operation of our pipelines.
- 13) The owner must ensure that his contractor(s) and all sub-contractors are fully aware of and observe the foregoing conditions.

HIGHRIDGE SOUTH
25T-



RYMAL ROAD

UPPER PARADISE BOAG



LANDS OF ONTARIO HYDRO

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE MEASUREMENTS TO THE LAND
HEREIN SUBMITTED AND THE MEASUREMENTS TO THE
ADJACENT LANDS ARE ACCORDING TO THE SURVEY
RETURNED TO ME BY THE
Bill

WITNESSED
STEVEN J. SHAW, JR. J.D. GRANT, S.T.D.

DATE: *Jan 1972*

INFORMATION REQUIRED
SECTION 5012 THE PLANNING ACT 1963

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED VEHICLE IS THE PROPERTY OF
MR. ARTHUR J. BROWN JR. 1000 N. W. 17th Ave.
Arthur J. Brown Jr.
MIAMI FL 33136
DATE *DECEMBER 13 1981*

JAN USE SCHEDULE					
31	4	20	SMITH & ADAMS LOTS	1.00	00
D.			PAID	1.37	00
		10	FUTURE DEVE. UPHAM	0.40	00
			TEMPORARY - INTRAM	0.00	00
		10	D. B. RESER	0.00	00
			SIMPLES & 10 G. AND	0.00	00
			UPPER PAIRFIELD ROAD 1st		
		12		17.00	00

OWNER'S CERTIFICATE

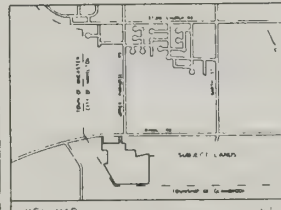
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL CERTIFICATE.

SIGNED:

WITNESSES: BE WILLIAMS & CO. BEAULIEU COME LANE

DATE: DECEMBER 18 1911

	DATE	TIME	LOCATION	REMARKS
1	10-10-68	10:00	1000' (Dredge)	



LOT SIZES	NUMBER OF LOT,
46 00	1
15 24	63
13 76	06
13 227	8
12 50	3
2 92	76
1 51	23

 planning
initiatives ltd.
incorporated in the state of california

OF SHEETS OF: 5 HP	APPROVED BY: JSA	PROJECT NO: HP-147
DESIGNED BY: SHP		
DATE: 90/07/10	SCALE: 1:1000	SHEET NO: 1 OF 1

Ontario hydro

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

JUL 09 1992

7a)

700 University Avenue, Toronto, Ontario M5G 1X6

CITY CLERKS

July 3, 1992

File: 713.00544.0204 T15

Ref No.: 3427

Ms. T. Agnello
Secretary
Planning and Development Committee
City Hall
Hamilton, Ontario
L8N 3T4

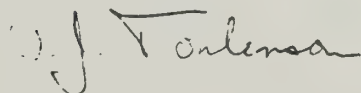
Dear Ms. Agnello:

**Amended Zoning Application 91-83
for 655 Rymal Road West
City of Hamilton
Your File No.: ZA-91-83**

We have completed our review of the subject application. Please be advised that we have no objection to the approval of the proposed amendment in its present form.

If you have any questions regarding this letter please call me at (416) 592-8606.

Yours truly,



Jeff Tomlinson
Senior Planner
Technical Services Department
Room H8 C13

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED 8
JUL 15 1992

CITY CLERKS

DATE: July 10, 1992
ZA-92-22
Bruleville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

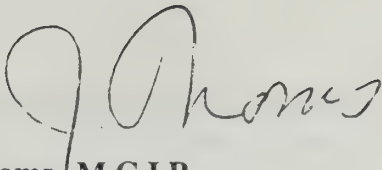
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in Zoning - No. 860 Upper Wentworth Street.

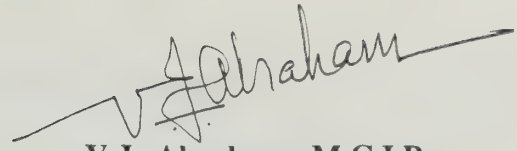
RECOMMENDATION:

That Zoning Application 92-22, Rolando Pineda Estrabillo, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified (Block "1"), and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "2"), to convert the existing single-family dwelling to a dental office and apartment dwelling, for the property located at 860 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED on the following reasons:

- i) The proposal conflicts with the intent of the Official Plan on the following basis:
 - the limit to which the proposal extends, (from Upper Wentworth Street to Fieldway Drive), represents an intrusion of a commercial use into a residential area, thus it is inappropriately located;
 - adequate off-street parking cannot be physically accommodated on site due to existing site limitations (i.e., existing single-family dwelling, and front and side yard setbacks); and,
 - the proposed commercial use, extending to Fieldway Drive, would detract from the character of the residential area;
- ii) The proposal conflicts with the approved Bruleville Neighbourhood Plan which designates the subject property "Medium Density Apartments", (Blocks "1" & "2");
- iii) Approval of the application would undermine the intent of the approved Bruleville Neighbourhood Plan and inhibit land assembly with adjacent parcels of land; and,
- iv) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-Law.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicant's intention to convert the existing single-family dwelling including the garage, located at No. 860 Upper Wentworth Street, to a dental office on the first floor, having a gross floor area of approximately 124.9 m², and an apartment on the second floor.

APPLICANT:

Rolando Pineda Estrabillo, owner,

LOT SIZE AND AREA:

- 14.3 m (47.0 ft.) of lot frontage on Upper Wentworth Street;
- 66.44 m (217.99 ft.) of lot depth; and,
- 951.8 m² (10,245.0 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-Family Dwelling	"AA" (Agricultural) and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Single-Family Dwelling	"AA" (Agricultural) and "C" (Urban Protected Residential, etc.) District
to the south	Multiple Residential	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	Commercial	"HH" (Restricted Community Shopping and Commercial District), modified

to the west

Single-Family Residential

"C" (Urban Protected Residential,
etc.) District

OFFICIAL PLAN:

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as **RESIDENTIAL** will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent **RESIDENTIAL USES**;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the **RESIDENTIAL** area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support **RESIDENTIAL USES** in the area, new development will, subject to the Zoning By-law:
- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
 - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent **RESIDENTIAL USES**."

The proposal does not conflict with the intent of the Official Plan provided Policy A.2.1.5 is satisfied.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" on the approved Bruleville Neighbourhood Plan. The proposal does not comply the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following Agency and Departments have no comment or objection:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.

- The Roads Department has advised that:

"There are existing public watermains and separate storm and sanitary sewers available to service on Upper Wentworth Street.

The City/Region are extending Fieldway Drive and also constructing sewer and watermains on Fieldway Drive this year.

According to our records the Region previously acquired the required road widening on Upper Wentworth Street shown as Part 11 on instrument number 156175 C.D. The City of Hamilton previously acquired Part 16, 17 and 18 on Reference Plan 62R-11054 for the establishment of Fieldway Drive. Part 16 on Reference Plan 62R-11054 is a 0.3m reserve and as a condition of zoning/ development approval, this 0.3m reserve must be lifted and all outstanding servicing costs be paid to the City/Region.

In the absence of any details shown, we advise that any works within the Fieldway Drive road allowance or Upper Wentworth Street road allowance, as widened, must conform to the respective Street By-law..

The Traffic Department is to comment on access and access design. According to survey plans submitted by the applicant, it appears that the front area adjacent to Upper Wentworth Street will be used for parking. Due to the limited width of the property, it would appear that all vehicles must back out onto Upper Wentworth Street which is extremely undesirable.

According to the Bruleville Neighbourhood Plan, these lands are included in Block 'B' which is designated for medium density apartments and requires a 3.048m Planting Strip adjacent to Fieldway Drive. The intent of the neighbourhood plan would be to encourage land assembly with lands at Number 852 Upper Wentworth Street providing improved access and on-site manoeuvring. It is our opinion that the intent of the neighbourhood plan be maintained and land assembly with lands at Number 852 Upper Wentworth Street or right of ways on title be registered for common access, manoeuvring etc. For the information of the Committee, Fieldway Drive to date is not established as a public highway. However, it is anticipated that this roadway will be established and constructed prior to October 1, 1992.

We recommend that these lands be developed through site plan control."

- The Traffic Department has reviewed the application and has forwarded the following comments:

"This zoning application is inconsistent with the Bruleville Neighbourhood Plan which was approved on 1988 May 10, by City Council. The subject property, shown as part of Block "B" in the 1988 Land Use Review, has been designated for medium density apartments. One of the usual benefits of this type of designation along arterial roadways is that properties develop as blocks with limited, designed access points instead of numerous individual accesses. Immediately south of No. 860 Upper Wentworth Street and within Block "B", is a planned 39 unit apartment building.

The remainder of Block "B" is a single lot, No. 852 Upper Wentworth. If approved, this application would isolate No. 852 Upper Wentworth and would appear to eliminate the viability of the medium density apartment designation for these properties. We would prefer that these properties (No. 860 and 852) be developed jointly as proposed by the neighbourhood plan. Should this application be approved, we have the following recommendations:

1. The subject lands should be placed under Site Plan Control.
 2. We would suggest that this property be developed in conjunction with No. 852 Upper Wentworth Street to provide commonality for driveway access and to provide access to the rear of the property.
 3. We recommend that the neighbourhood plan be revised to rationalize the designation for the property at No. 852 Upper Wentworth Street."
- The Building Department has reviewed the application and has forwarded the following comments:
 - "1. This is a single family dwelling house built in 1984.
 2. A dentist office is not a permitted use in the proposed C zone.
 3. If the office is permitted, then parking will be required at the rate of one (1) car for every 19 m² (205 sq. ft.) of floor area.
 4. The floor area is the outside measurement of the building with no deductions permitted.
 5. No parking is permitted in the required front yard."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan provided the conditions of Policy A.2.1.5 are satisfied.
2. The proposal does not comply with approved Bruleville Neighbourhood Plan designation. Approval of the application would require a redesignation to "Commercial-Residential Conversion".

blocks with limited, designed access points instead of numerous individual accesses. Immediately south of No. 860 Upper Wentworth Street and within Block "B", is a planned 39 unit apartment building.

The remainder of Block "B" is a single lot, No. 852 Upper Wentworth. If approved, this application would isolate No. 852 Upper Wentworth and would appear to eliminate the viability of the medium density apartment designation for these properties. We would prefer that these properties (No. 860 and 852) be developed jointly as proposed by the neighbourhood plan.

Should this application be approved, we have the following recommendations:

1. The subject lands should be placed under Site Plan Control.
 2. We would suggest that this property be developed in conjunction with No. 852 Upper Wentworth Street to provide commonality for driveway access and to provide access to the rear of the property.
 3. We recommend that the neighbourhood plan be revised to rationalize the designation for the property at No. 852 Upper Wentworth Street."
- The Building Department has reviewed the application and has forwarded the following comments:
 - "1. This is a single family dwelling house built in 1984.
 2. A dentist office is not a permitted use in the proposed C zone.
 3. If the office is permitted, then parking will be required at the rate of one (1) car for every 19 m² (205 sq. ft.) of floor area.
 4. The floor area is the outside measurement of the building with no deductions permitted.
 5. No parking is permitted in the required front yard."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan provided the conditions of Policy A.2.1.5 are satisfied.
2. The proposal does not comply with approved Bruleville Neighbourhood Plan designation. Approval of the application would require a redesignation to "Commercial-Residential Conversion".

3. Based on a preliminary floor plan the Building Department has verbally advised that the proposed development would require seven (7) parking spaces for the dental office, and one (1) for the residential unit. Given the existing site conditions, approximately three (3) parking spaces could be accommodated in the front yard, thus the remaining five (5) required spaces would have to be located at the rear of the property.

Due to the limited width of the subject property both the Roads and Traffic Departments have advised that access to the site should be by way of a common access point over the property to the north (i.e., 852 Upper Wentworth Street). This would allow parking at the rear of the property, and proper egress and access to the property by way of Upper Wentworth Street.

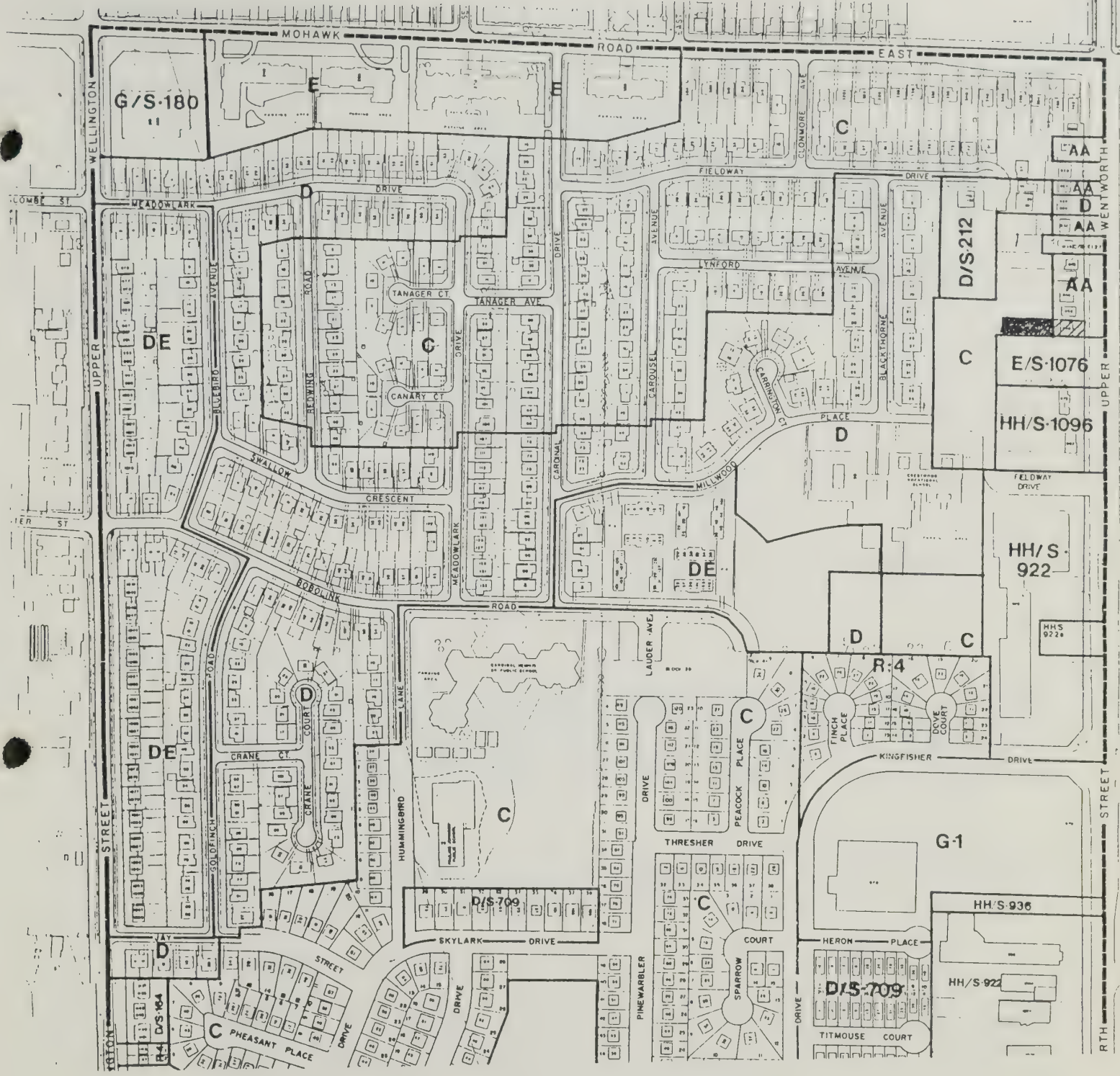
The applicant has explored this option with the adjacent property owner, however has failed with the negotiations to date. The only remaining option would be to provide access by way of Fieldway Drive. This would promote commercial traffic through the residential neighbourhood which is unacceptable since Fieldway Drive is a neighbourhood street.

4. The proposal cannot be supported for the following reasons:

- i) It conflicts with the intent of Official Plan Policy A.2.1.5 on the following basis:
 - the limit to which the proposal extends, (from Upper Wentworth Street to Fieldway Drive), represents an intrusion of a commercial use into a residential area, thus the development is not appropriately located;
 - adequate off-street parking cannot be physically accommodated on site due to existing site limitations (i.e., existing single-family dwelling, and front and side yard setbacks); and,
 - the proposed commercial use would detract from the character of the residential area;
- ii) The proposal conflicts with the approved Bruleville Neighbourhood Plan which designates the subject property "Medium Density Apartment", (Blocks "1" & "2");
- iii) Approval of the application would undermine the intent of the approved Bruleville Neighbourhood Plan and inhibit land assembly with adjacent parcels of land; and,
- v) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-Law.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.



Legend

Block 1



Proposed change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, modified.

Block 2



Proposed modification to the established "C" (Urban Protected Residential, etc.) District regulations.



9.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 1 5 1992

CITY CLERKS

DATE: 30 June 1992
ZA-92-11
St. Clair Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

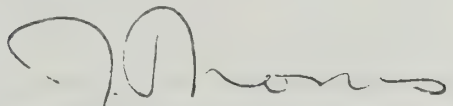
SUBJECT: Request for a modification of Zoning - No. 160 Sherman Avenue S.

RECOMMENDATION:

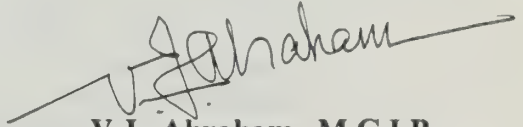
That Zoning Application 92-11, Rabindranath Ghosh and Urmila Ghosh, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling on property located at No. 160 Sherman Avenue South, as shown on the attached map marked as "APPENDIX "A", be DENIED for the following reasons:

- i) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;
- ii) It conflicts with the intent of the approved St. Clair Neighbourhood Plan;
- iii) Approval of the application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezonings) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;
- iv) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings, whereas four are proposed. Furthermore, three of the four dwelling units would not meet the minimum 65m² (700 sq.ft.) floor area requirement (i.e. 305.5 sq. ft., 454.25 sq. ft. and 512.25 sq. ft.).

- v) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area and undermine the intent of the Zoning By-law.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the application is to legalize the established four-family dwelling. On the basis of information provided by the applicant, the four dwelling units have floor areas ranging from 305.50 sq. ft. to 912.25 sq. ft. Off-street parking can be provided for 4 cars, 1 in the existing accessory frame garage and 3 cars in the rear yard next to the garage. For the information of the Planning and Development Committee members, the applicant has submitted background information (see APPENDIX "B" attached) to justify the requested rezoning.

- Zoning Verification

On February 21, 1990 a Zoning Verification Certificate was issued by the Building Department to the applicant's agent (see APPENDIX "C") advising that a building permit was issued in 1971 to convert the house to a two-family dwelling. Location of the house and garage is legally established non-conforming. The rear addition is approved as shown.

- Order To Comply

On November 8, 1991 an Order To Comply (see APPENDIX "D") was issued to the owner/applicant concerning the use, comprised of four Class "A" dwelling Units and being used as a three family dwelling instead of the legal use as a two-family dwelling. The owner/applicant was advised to reduce the occupancy accordingly.

- By-law No. 76-229

By-law No. 76-229 respecting the St.Clair Neighbourhood, downzoned this area from a "D" (Urban Protected Residential - One and Two-family Dwellings, Townhouses, etc.) District to a "C" (Urban Protected Residential, etc.) District. The effect of downzoning is to eliminate townhouse uses and reduce residential conversions to a maximum of 2 dwelling units as opposed to 3 dwelling units under the former "D" District.

APPLICANT:

Rabindranath Ghosh and Urmila Ghosh, owners.

LOT SIZE AND AREA:

- 11.58 m (38.0 ft.) of lot frontage on Sherman Avenue South;
- 35.05 m (115.0 ft.) of lot depth; and,
- 405.97 m² (4370.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	four family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	one and two-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	single-family, two-family and three-family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

to the west

single-family and
two-family dwellings

"C" (Urban Protected
Residential, etc.)
District, modified

OFFICIAL PLAN:

The subject lands are designated **Residential** on Schedule A - Land Use Concept plan of the Official Plan. The following policies, among others, would apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
 - i) Provision and maintenance of adequate off-street parking;

- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
 - iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

The proposal conflicts with the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominately occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved St. Clair Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to a multiple residential category, however, redesignation is not recommended.

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. An Order to Comply dated November 8, 1991 (copy attached) was issued requiring the owner to reduce the use of the property to the permitted two family dwelling.
 2. The building was legally converted to a two family dwelling in 1971. This is the maximum number of units permitted in the "C" zoning district.
 3. Five (5) parking spaces must be provided. The applicant should establish compliance with Section 18A of Zoning By-law 6593.
 4. If this property were in a district where conversion to more units were permitted, the building would not comply with the floor area requirements of Section 19 and would not meet the lot area requirements for more than three (3) dwelling units."

- The Traffic Department has advised that:

"The applicant has indicated that four parking spaces are available in the rear of the property. During our site visit, it was noted that it appears only three parking spaces can be provided because of an existing frame garage. The applicant should be requested to clarify how the four spaces are to be provided.

If the frame garage was removed, four parking spaces with manoeuvring could be provided on-site. We therefore recommend, pending any new information from the applicants, that if approved, the application be made conditional on the removal of the existing garage structure and the provision of the required parking. It should be noted that this would require the majority of the backyard to be used as a parking area."

With regard to clarification of the proposed parking spaces, the applicants' agent has advised that, if required, the applicant would remove the frame garage in order to provide for four (4) legal parking spaces, which is recommended by the Traffic Department.

- The Hamilton Wentworth Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

In the absence of any details shown or plans submitted for our review, we advise that any works which may occur within the Sherman Avenue South Road allowance must conform to the City of Hamilton Streets By-Law."
- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

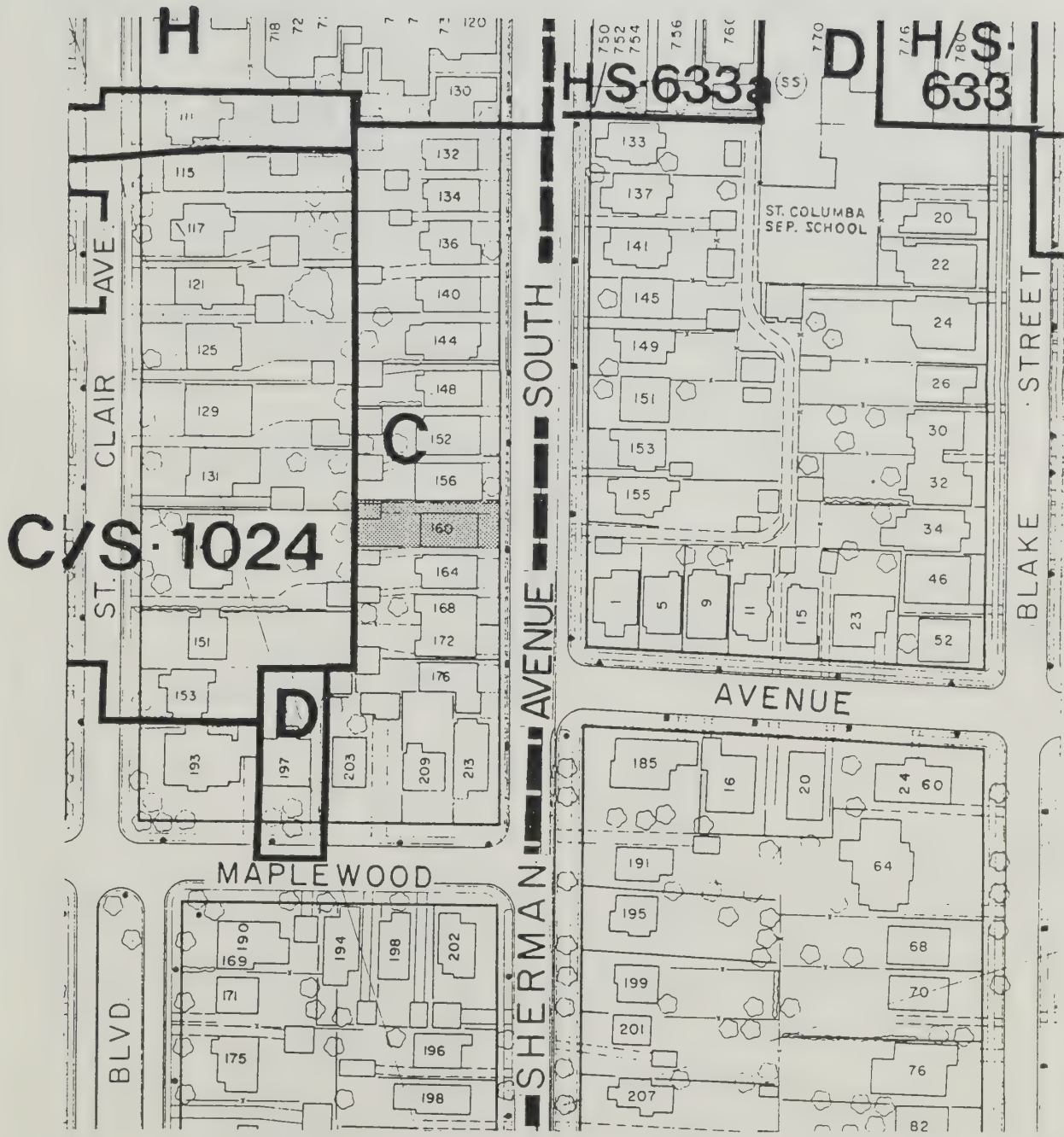
1. The proposal conflicts with the intent of the Official Plan, in that it represents the introduction of a four family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types. However, should the application be approved, an Official Plan Amendment would not be required.
2. The proposal conflicts with the intent of the approved St. Clair Neighbourhood Plan which designates the subject lands "SINGLE AND DOUBLE RESIDENTIAL". In this regard, redesignation from "SINGLE AND DOUBLE RESIDENTIAL" to a multiple residential category is not recommended.
3. The proposal cannot be supported for the following reasons:
 - it is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;
 - it conflicts with the intent of the approved St. Clair Neighbourhood Plan;
 - the proposal conflicts with recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing single-family dwellings, whereas four are proposed. Furthermore, based on information provided by the applicant, three of the four dwelling units would not meet the minimum 65m² (700 sq. ft.) floor area requirement (i.e. 305.5 sq. ft., 454.25 sq. ft. and 512.25 sq. ft.);

- By-law 76-229 respecting the St.Clair Neighbourhood rezonings downzoned this area from "D" (Urban Protected Residential - One and Two-family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential,etc.) District. The effect of the downzoning to "C" is to eliminate the potential for townhouses and to permit conversions to a two-family dwelling subject to the provisions of Section 19 of the Zoning By-law, as opposed to the conversion to a three-family dwelling under the former "D" District. Approval of this application would be contrary to the intent and purpose of By-law 76-229 which was to protect the single-family character of the area; and,
 - approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and change the character of the neighbourhood.
4. With regard to parking, as noted by the Traffic Department, if the frame garage was removed, four parking spaces (one for each dwelling unit) with manoeuvring could be provided on site.

CONCLUSION:

On the basis of the foregoing, the application cannot be supported.

GAW/ma
ZA9211



Legend

 Site of the Application



ZA-92-11

ADDITIONAL BACKGROUND INFORMATION

RE: REZONING APPLICATION OF R. & U. GHOSH,
160 SHERMAN AVENUE SOUTH, HAMILTON, ONTARIO.

PARTICULARS OF OWNERSHIP

By Deed registered March 27, 1990, Mr. & Mrs. Ghosh obtained a Transfer of the property from the prior owner, Oswald John Pinto. Mr. Pinto purchased the property on June 19, 1987 from Stephen and Brenda Jackson by Deed 415211 C.D.

At the time of purchase of the property by Mr. & Mrs. Ghosh, the property contained four units, one of which was occupied personally by Mr. Pinto.

Zoning Verification Certificate 55848, a copy of which is attached hereto, indicates that a building permit was issued in 1971 to convert the house to a two-family dwelling. The location of the house and garage is legally established non-conforming and the rear addition was approved.

PARTICULARS OF THE UNITS

At present, all four units are rented to third parties. The composition of the units are as follows: (all dimensions are approximate):

Unit 1 - Basement: This unit contains two separate entrances and the following rooms:

Bedroom 1 - 21.5 ft. X 7.5 ft.	161.25	
Bedroom 2 - 10 ft. X 8.5 ft.	85.00	
Living Room - 12.5 ft. X 12 ft.	150.00	(512.25 sq. ft.)
Kitchen area - 6 ft. X 6 ft.	36.00	
4 piece bathroom - 7.5 ft. X 5 ft.	37.50	
Laundry area - 8.5 ft. X 5 ft.	42.50	

Unit 2 - Main Floor: This unit has two separate entrances and the following rooms:

Bedroom 1 - 16 ft. X 12 ft.	192.00	
Living Room - 21 ft. X 12 ft.	252.00	
Kitchen/Dinette - 27.5 ft. X 9 ft.	247.50	(712.25 sq. ft.)
4 piece bath - 6 ft. X 5.5 ft.	33.00	
Inside landing - 11.5 ft. X 8.5 ft.	97.75	
Outside porch - 10 ft. X 9 ft.	90.00	

Unit 3 - Upper Floor: This unit has one separate entrance and the following rooms:

Bedroom 1 - 12.5 ft. X 11 ft.	137.50	
Living Room - 20.5 ft. X 9 ft.	184.50	
Kitchen/Dinette - 11.5 ft. X 11.5 ft.	132.25	(454.25 sq. ft.)
4 piece bath - 8 ft. X 7 ft.	56.00	
Wooden deck - 16 ft. X 14 ft.	224.00	

Unit 4 - Top Floor: This unit consists of the following rooms:

Bedroom 1 - 15.5 ft. X 14 ft.	217.00	
Kitchen/Dinette - 14 ft. X 12.5 ft.	175.00	(392.50 sq. ft.)
3 piece bathroom - 8.5 ft. X 5.5 ft.	46.75	
Landing area 8 ft. X 5 ft.	40.00	

PARKING

At present, each unit has a designated off street parking spot. Three open area parking spots exist at the rear of the property together with one garage parking space.

JUSTIFICATION FOR REZONING

Both the Planning Department and the citizens of the City of Hamilton are well aware that a large, large number of multi-residential units presently in existence through the conversion of single-family units to duplex, tri-plex and four-plex units are created in violation of the existent Zoning By-laws. The historic lack of affordable rental units has resulted in a continuing need for the conversion of single-family units to multi-residential uses. In many instances, the result has been an over intensification of the residential use causing conflict between neighbours and leaving the Planning Department with no alternative but to seek enforcement of the City's By-laws. It is fair to say that if all units in existence in violation of the existent By-laws were to be closed down, the resultant shortage in rental units would itself create an unbearable crisis. In the past, owners of residential units created in violation of the existent By-law have been encouraged to bring applications for rectification. In many instances, such applications have failed as a result of neighbourhood opposition to the disruption created in the daily lives of neighbouring owners by the disappearance of various amenities, especially and, most troublesome, disappearance of parking spaces.

The Applicants submit that the requested Rezoning will not effect the desirable amenities of the neighbourhood, will have no impact whatsoever, on the existent character of the neighbourhood and will not result in undue hardship for adjoining or other owners in the neighbourhood. Although the proposed modification to the existent "C" Zone is not perfect, it nonetheless, under the circumstances, represents good planning and procedure.

Obviously the Rezoning is advantageous to the Applicants. It is important to note; however, that it does not create an undue hardship on others. The existent use has been in place for some time and the lack of complaints with regard to the same indicates that the use and enjoyment of the neighbouring properties by their respective owners remains unaffected. The proposed use is not incompatible with the adjoining uses, nor is it incompatible with the uses maintained in the immediate neighbourhood as the immediate neighbourhood contains a number of similar multi-residential uses continued in violation of the existent By-law.

The property fronts on a main street, being Sherman Avenue South and the Applicants, by provision of off street parking, have taken steps to ensure that there is no interference with traffic, nor with the rights of other owners to occupy available on street parking spaces.

The Applicants submit that the character of the neighbourhood and the existent amenities have not in the past and are not now in any way reduced by the proposed permitted use. At the time of purchase, searches and inquiries were made from the Building Department, Fire Department and Health Department and clearances were obtained from each Department. The physical aspects of the building itself are compatible with the appearance of the adjoining properties and the older homes in the neighbourhood. Some units have two separate entrances resulting in maximized privacy. The value of this dwelling equals or exceeds the value of surrounding properties and the proposed use has not adversely affected the fair market values of properties in the immediate or adjoining neighbourhoods.

It is also the position of the Applicant that the area, like many areas in the City of Hamilton, is in need of the existent units for which validation is sought as the creation of new units by the construction of apartment buildings is virtually at a halt in the City of Hamilton. Notwithstanding the depressed economy, the cost of renting high rise apartment units has not decreased and the availability of such units has only marginally increased. We believe it is fair to state that the need for these additional units has been demonstrated.

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO S7M 2T20
ZONING VERIFICATION CERTIFICATEFOR 1160 Sherman Ave. Unit 20, Hamilton, Ont. L8N 1G6BETWEEN 1160 Sherman Ave. Unit 20 AND 1160 Sherman Ave. Unit 20OWNER Oswald Pinto ADDRESS 1160 Sherman Ave. Unit 20PROPOSED USE mult-residentialPRESENT USE mult-residentialEXISTING BUILDING ☒SIGNATURE [Signature]PROPOSED BUILDING ☐NAME Y. H. Lenz - RestoVACANT LAND ☐ADDRESS 800-105 Main St. SSURVEYS (2) YES ☐Hamilton Ontario L8N 1G6ATTACHED? NO ☐DATE Feb 12/90 Ghashpur

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN: A C DISTRICTSEE SECTION: 9 OF ZONING BYLAW 680 AS AMENDED BY BYLAW NO. 1LAND COMMITTEE ADJUSTMENT NO. 1 DISTRICT MAP NO. R-23THE PROPOSED USE: IS PERMITTED ☐ IS NOT PERMITTED ☒ IS A LEGALLY ESTABLISHED NON CONFORMING USE ☐THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79 276. YES ☐ NO ☒COMMENTS A building permit was issued in 1971 to convert the house to two family dwelling.Location of the house and garage is legally established non-conforming.The rear addition is approved as shown.

IMPORTANT: - THIS IS A ZONING VERIFICATION ONLY

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FROM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 55848

ZONING VERIFICATION CERTIFICATE ISSUED BY

FEES 30.00D. M. / Leo King / ENDATE Feb. 21/90

FILE COPY



THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT CITY HALL - 3RD FLOOR 21 MAIN STREET WEST HAMILTON ONTARIO L8N 1T1

ORDER TO COMPLY

FILE NO

ISSUED TO: Robin Ghosh, Urmila Ghosh
LOCATION: 160 Sherman Avenue South,
HAMILTON, Ontario
150 Maple Drive,
Stoney Creek, Ontario L8G 4S5

TAKE NOTICE THAT THE use
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) REGULATION(S) BY LAW(S) AS OUTLINED BELOW

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593, as amended Section 9.	The building is comprised of four Class "A" Dwelling Units and is being used as a three family dwelling, family dwelling. <u>REQUIREMENT TO COMPLY:</u> Reduce occupancy to a two family dwelling and convert to two Class "A" Dwelling Units.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER, CONSTRUCTION OR PERSON APPARENTLY IN POSSESSION
ARE HEREBY ORDERED TO COMPLY ~~within~~ WITHIN thirty (30) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING YOU WILL BE LIABLE
UPON APPLICATION TO THE PENALTY AS PROVIDED BY THE ACT AND REGULATION BY LAW

REGISTERED MAIL

Nov 8/91

DATE

S. Kuczer
INSPECTOR

Nov 8/91

DATE

PHONE DIRECT 546-2722
8 AM - 5 PM

S. Kuczer 544-2575

FORM 694
MAY 1988/89 FORM 1-1

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

9a)

PROPOSED CHANGE - MODIFICATION TO THE ESTABLISHED C DISTRICT REGULATIONS
PROPERTY DESCRIPTION - NO. 160 SHERMAN AVENUE SOUTH

RECEIVED

JUL 0 6 1992

I AM IN FAVOUR OF ()

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

CITY CLERKS

THIS PROPOSED MODIFICATION

Michael Kovacich

KOVACICH JOSEPH MICHAEL
KOVACICH MARILYN MAE
112 ST CLAIR AVE
HAMILTON, ONT

Joseph Kovacich

SIGNED

LBM 2N7

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

FILE-2A-92-11 SEQ-00234

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

June 26, 1992

JUL 0 7 1992

ED 96

I am opposed to any more homes in this district ~~being made in to~~
multiple dwellings.

CITY CLERKS

Our homes have decreased considerably in regards to respectability
by thoughtless tenants.

EA-92-11

*Added to
1952 Census*

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

St. Clair Ave
124 St Clair
me.

June 30/92

9c

JUL 09 1992

We are vehemently ~~opposed~~ to this application
CITY CLERKS

We presume the application was prompted by a complaint about a present illegal use. If that is so, surely such conduct ought not to be rewarded by legalizing it!

On the merits of the application alone, multiple use dwellings destroy the quality of life in the neighbourhood by changing the nature of the neighbourhood.

This committee would not want such change in your area so give our area the same consideration. Vote NO please.

Joe & Laurie Wadel

Please read this letter into the record.

05/11/39

- we are on vacation & can't attend in person.

but for our prior plans we would have attended

April 27, 1992

Planning and Development Department
The Corporation of the City of Hamilton

Dear Sir,

In reference to the application by R. and U. Ghosh to legalize the premises of 160 Sherman Ave South, Hamilton, as a registered 4-plex, reference file # ZA - 92 - 11.

We the residents of 124 St. Clair Ave. oppose the legalization of 160 Sherman Ave South as a registered 4-plex. These premises were illegally converted into 4 apartments 4 to 5 years ago. Since that time we have seen this property deteriorate. The snow is not cleared in the winter and the grass not cut in the summer. We have had to tolerate excessive noise and increased garbage on their property. We have complained to the City By-Law Department as well as our City Alderman.

We feel strongly that legalizing this property into a 4-plex and by thus changing the legal zoning by-law for our neighbourhood, would only encourage others wishing to profit, to buy up our beautiful old homes, convert them into multiple dwellings and then move on. Their sole interest in our neighbourhood is to profit. We oppose this strongly and wish to say as a collective voice;

"NO, NOT IN OUR NEIGHBOURHOOD".

Sincerely yours,

Laurie & Joe Nadel

9d)

RECEIVED

JUL 09 1992

CITY CLERKS

In the 11 years that we have lived in this neighborhood we have noticed a gradual decay in the care taken of buildings and landscaping; due to the gradual change of homes from single family to multiple dwellings. Obviously people renting a two, three or four family dwelling haven't the same interest in maintaining the property the way a single family owner will. Stop legalising multiples and charge the illegals. Rental vacancy rates are up considerably. There would not be the same inconvenience to renters in '92.



2.

17 Do not allow downtown
Hamilton to become like
the downtowns of American
cities. Let's keep it family
oriented.

Bryan Markham

128 St Clair Ave.

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 17"

156 Sherman Ave
Hamilton, Ont L8S
July 2/92

Secretary Planning and Development Committee
City Hall, Hamilton.

9e

Dear Sir:

Re: Proposed Official Plan amendment to
legalize 160 Sherman Avenue South as a
4-family dwelling.

Our residence is immediately adjacent
to the above property, and this letter is sent
to register our strongest possible opposition
to any proposal to change it to a four-family
dwelling.

We recognize the current need for
housing in Hamilton. We are convinced that
the present zoning has saturated this residential
community, and that further relaxation of the
rules will effect unacceptable deterioration of
the quality of life here. Certainly the excessive
increase in car and truck traffic on Sherman
Avenue South has done more than enough to
our beautiful residential street into a noisy commercial
thoroughfare.

All of us who reside in the neighborhood

3.

allows for dupliques on the west side of the line between Maine and Delaware. We urge that any deviation from this rule be corrected at the earliest possible instant.

It is entirely unacceptable that anyone be permitted to affect adversely the way of life of my family by manipulating the present occupancy rules for personal monetary gain. We live in, and we invested in a, strictly residential area with established limitations; we want these rules to hold without compromise, and that no change be permitted to convert our community into a place for business income investment, with the accompanying deterioration which inevitably results.

Sincerely yours.

George R. Force

RECEIVED

JUL 17 1992

CITY CLERKS

2
are determined to keep what's best of what's left.
If any change is to be made, we implore those
responsible to reduce, not increase the concen-
tration of population in these houses and on
this street.

We have no personal sentiment towards
the owner or the present tenants in 166 Thomas
Ave South.

With the 4-family occupancy, however,
which has prevailed during and since the
former ownership, there have been:

- constant traffic, commotion of numerous
vehicles of different kinds and quality, rushing
back and forth in the attached driveway between
our houses;
- inconsistent and careless handling of outdoor
garbage;
- untidy neglect of grounds and lawns, spreading
weeds into neighboring, well-kept lawns and yards;
- and - on-going human commotion of many
more people!

--- all of these factors, along with the more
serious threat to our security which accompanies
frequent changes of tenants, have transformed our
home environment into an area entirely opposite
to the beautiful residential area into which we
invested our resources and our way of life many
years ago.

It is our understanding that the present zoning

PROPOSED CHANGE - MODIFICATION TO THE ESTABLISHED C DISTRICT REGULATIONS
PROPERTY DESCRIPTION - NO. 160 SHERMAN AVENUE SOUTH

~~I AM IN FAVOUR OF ()~~

very much OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION

.....
FORCE PATRICIA
FORCE GEORGE REGINALD
156 SHERMAN AVE S
HAMILTON, ONT

LBM 2P9

.....
FILE-ZA-92-11 SEQ-00209

Patricia L. Allen
George A. Allen
.....SIGNED

PLEASE DIRECT INQUIRIES TO
PLANNING DEPT 546-4445

9f)
April 27, 1992

Planning and Development Department
The Corporation of the City of Hamilton

Dear Sir,

In reference to the application by R. and U, Ghosh to legalize the premises of 160 Sherman Ave South, Hamilton, as a registered 4-plex, reference file # ZA - 92 - 11.

We the residents of _____ oppose the legalization of 160 Sherman Ave South as a registered 4-plex. These premises were illegally converted into 4 apartments 4 to 5 years ago. Since that time we have seen this property deteriorate. The snow is not cleared in the winter and the grass not cut in the summer. We have had to tolerate excessive noise and increased garbage on their property. We have complained to the City By-Law Department as well as our City Alderman.

We feel strongly that legalizing this property into a 4-plex and by thus changing the legal zoning by-law for our neighbourhood, would only encourage others wishing to profit, to buy up our beautiful old homes, convert them into multiple dwellings and then move on. Their sole interest in our neighbourhood is to profit. We oppose this strongly and wish to say as a collective voice;

"NO, NOT IN OUR NEIGHBOURHOOD".

Sincerely yours,

RECEIVED

JUL 16 1992

CITY CLERKS

April 27, 1992

Planning and Development Department
The Corporation of the City of Hamilton

Dear Sir,

In reference to the application by R. and U. Ghosh to legalize the premises of 160 Sherman Ave South, Hamilton, as a registered 4-plex, reference file # ZA - 92 - 11.

We the residents of 128 ST CLAIR AVE oppose the legalization of 160 Sherman Ave South as a registered 4-plex. These premises were illegally converted into 4 apartments 4 to 5 years ago. Since that time we have seen this property deteriorate. The snow is not cleared in the winter and the grass not cut in the summer. We have had to tolerate excessive noise and increased garbage on their property. We have complained to the City By-Law Department as well as our City Alderman.

We feel strongly that legalizing this property into a 4-plex and by thus changing the legal zoning by-law for our neighbourhood, would only encourage others wishing to profit, to buy up our beautiful old homes, convert them into multiple dwellings and then move on. Their sole interest in our neighbourhood is to profit. We oppose this strongly and wish to say as a collective voice;

"NO, NOT IN OUR NEIGHBOURHOOD".

Sincerely yours,

B. Markham
Mary Markham

10.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 1992 July 9
ZA-92-21
Greeningdon Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - 209 Limeridge
Road East

RECOMMENDATION:

That approval be given to Zoning Application ZA-92-21, 870964 Ontario Limited (Domenic DiBernardo), owner, requesting a further modification to the existing "G" (Neighbourhood Shopping Centre) District, to permit restaurants, for property located at 209 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

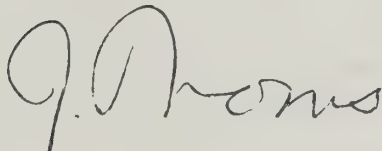
- i) That the "G" (Neighbourhood Shopping Centre) District regulations as set out under Section 13 of Zoning by-law No. 6593, as amended by By-law No. 84-34, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 13(1) of By-law No. 6593, a restaurant or refreshment room without any dancing or other entertainment except music will be permitted.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-852a, and that the subject lands on Zoning District Map E-9A be notated S-852a;

- iii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-Law No. 6593, as amended by By-Law No. 84-34, and Zoning District Map E-9A for presentation to City Council; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

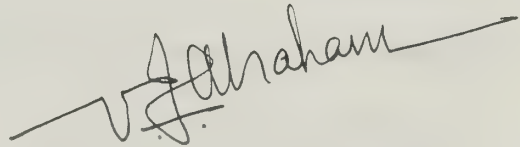
EXPLANATORY NOTE:

The purpose of the By-law is to provide a further modification to the "G" (Neighbourhood Shopping Centre) District regulations for land at 209 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit restaurants without any dancing or other entertainment except music.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to further modify the existing "G" (Neighbourhood Shopping Centre) District to permit restaurants. In support of the application, a petition with 140 signatures from adjacent residents was submitted (see APPENDIX "B" attached).

- By-Law No. 84-34

By-law 84-34, passed by Council on February 14, 1984, rezoned the subject lands from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre) District, and further modified the "G" provisions to permit only those uses permitted in the "G-4" (Designed Neighbourhood Shopping Area) District, with the exception of restaurants. This exception was specifically included in response to objections raised by the area residents at the December 14, 1983, Public Meeting of Planning and Development Committee to consider ZA-83-42.

- Site Plan Application DA-90-02

Site Plan Application DA-90-02 for the subject lands was approved on April 17, 1990, for a 1614.5 m² (17,369.44 square feet) retail plaza. The subject proposal does not anticipate any changes to the approved site plan.

APPLICANT:

870964 Ontario Limited (Domenic DiBernardo), owner.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage on Limeridge Road East of 68.5 m (224.85 feet);
- a lot depth of 76.35 m (220.96 feet); and,
- a lot area of approximately 0.56 ha (1.38 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"G" (Neighbourhood Shopping Centre) District modified

Surrounding Lands

to the north and to the west	townhouses	"RT-10" (Townhouse) District
to the south	Hamilton Building Supply and service station	"AA" (Agricultural) District and "HH" (R e s t r i c t e d Community Shopping and Commercial) District modified
to the east	townhouses	"RT-20" (Townhouse- Maisonette) District

OFFICIAL PLAN:

The subject lands are designated **COMMERCIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.6 The **SHOPPING CENTRES** category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.
- A.2.2.8 Council recognizes **SHOPPING CENTRES** as appropriate forms of Commercial development necessary to the economic health of the City and Region. In this regard, Council will utilize the following classifications of **SHOPPING CENTRES**, where applicable, in the preparation of Neighbourhood Plans:
- v) A Convenience **SHOPPING CENTRE** will have a gross floor area of 2,000 square metres.

- A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area. (O.P.A. No.46)
- A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for the Greeningdon Neighbourhood.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority, the Traffic Department and Freeway Project Office advise they have no comments or objections.
- The Hamilton-Wentworth Roads Department advises that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Limeridge Road East adjacent to the subject lands is 25.21 m from Upper Wellington Street to approximately 150 m westerly. According to our records Parts 3 and 4 of Reference Plan 62R-8274 was acquired by the City instrument No. 181189 L.T. Therefore, no further widenings are required.

The designated road allowance width of Upper Wellington Street is 30.48 m. According to our records, Part 5 of Reference Plan 62R-8274 was acquired by the Region by Instrument NO. 181189 L.T. Therefore no further road allowance widenings are required.

Any works which may occur within the Limeridge Road East or Upper Wellington Street for road allowance must conform to the respective Street/Roads By-Law.

Any new or altered access to Limeridge Road East or Upper Wellington Street requires the approval of the City of Hamilton Traffic Department. Due to the proximity of the Mountain Freeway, comments from the Freeway Office should be received."

- The Building Department advises:

"With reference to the proposed modification to permit a restaurant use within the proposed retail plaza, this department would only indicate that the "G" Zoning District permits a restaurant "without any dancing or other entertainment except music".

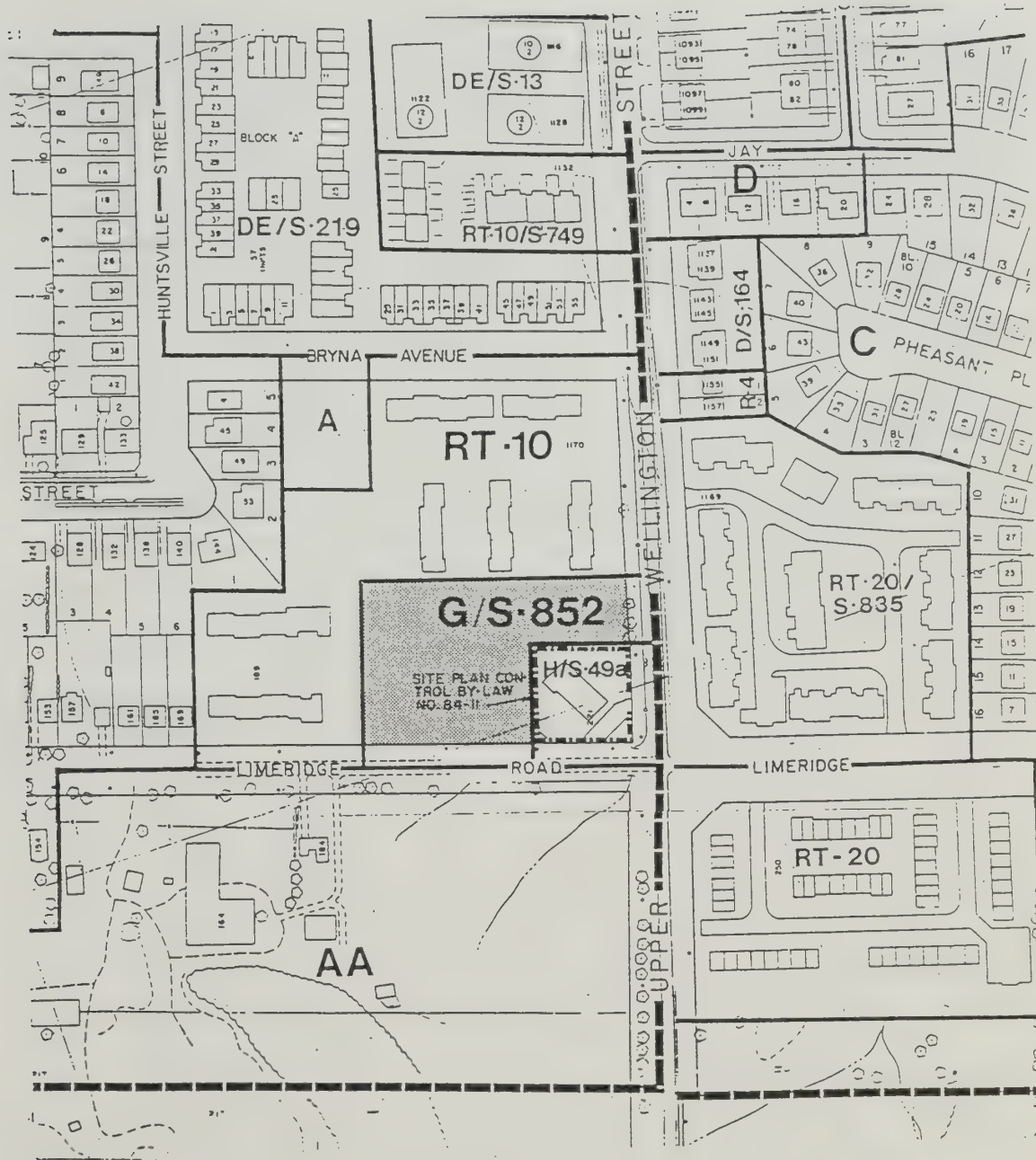
COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - it compliments the range of uses already permitted on the site and is consistent with the uses permitted in neighbourhood-type shopping centres;
 - it is suitably located at the intersection of two arterial roads (Limeridge Road East and Upper Wellington Street); and,
 - it does not effect the gross floor area or parking requirements for the development proposed in the approved site plan.
3. By-law 84-34 was passed by Council on February 14, 1984. At that time the townhouses to the north, east and south of the site were not built. The majority of people who signed the petition (APPENDIX "B") submitted in support of this application reside in these townhouses and were not objectors to the original application for these lands.
4. Restaurants were specifically excluded from By-law 84-34 as a result of objections raised at the Public Meeting of Planning and Development Committee on the zoning application (ZA-83-42). Planning staff, in their technical report of December 7, 1983, recommended the exclusion of a message parlour, public bath, a frosted food locker plant and a theatre only. Restaurants were considered an appropriate use on the subject lands at that time.
5. The Building Department advises that restaurants in the "G" (Neighbourhood Shopping Centre) District are permitted "without any dancing or other entertainment except music". Given the "neighbourhood" nature of this proposed shopping centre, it is appropriate to include such a provision.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

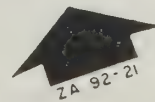
CF/
ZA-92-21



Legend



Site of the Application



APPENDIX A

P E T I T I O N

We, the undersigned, support an ammendment to the current zoning, for the property known municipally as 1140 Upper Wellington Street, Hamilton, to allow for the operation of restaurants, in addition to uses already permitted. This would include, but not be limited too, restaurants such as; coffee shops, full service and fast food restaurants.

DATE	NAME	ADDRESS	SIGNATURE
Apr 14/82	Mrs Aird	1170-15 Upper Wellington	Mrs Aird
"	L. Hillen	1170-17 " "	Heatherdale Hillen
"	D. Dixon	" 18 " "	DALE DIXON
April 14	Sheila Franklin	1170 upper Wellington #18	SHEILA FRANKLIN
April 14	Christine Hillen	1170 Upper Wellington	#17 Christine Hillen
April 14	Camelia Todea	1170 Upper Wellington	#23
April 14	Scailymori	" "	"
"	Don Freeman	1170 Upper Wellington	#24 D. Freeman
"	Bulvine Nigh	1170 Upper Wellington	#16 P. Nigh
April 14	Karen Skermet	1170 Upper Wellington	#6 Karen Skermet
"	L. Hillen	1170 Upper Wellington	Filipina Hillen
"	James Wells	1170 Upper Wellington	James Wells
"	Mrs D. Scheele	1170 #35 UPPER WELLINGTON	Mrs D. Scheele
"	V. Elliott	1170 #11 Upper Wellington	V. Elliott
"	Marie MacKinnon	1170 Upper Wellington #13	Marie MacKinnon
April 14/82	Time Thayer	1170 Upper Wellington	Time Thayer
April 14/82	J. Nykstra	1170 Upper Wellington	J. Nykstra
"	Wendy Kelly	1170 Upper Wellington	#32 Wendy Kelly
April 14	Ugana Cifuentes	1170 Upper Wellington	UGANA AFRIVIE
"	Robert Huxford	1170 Upper Wellington	ROBERT HUXFORD
April 14	Kevin M. Heer	1170 Upper Wellington	Kevin Heer
April 14	Michelle Abasco	1170 Upper Wellington	Michelle Abasco
Apr. 14	Doris Job	1170 Upper Wellington	D. Job
Apr 14	Don McKerracher	" " #50	Don McKerracher
Apr. 14	Tricia Smith	1169 Upper Wellington #5	Tricia Smith
April 14	PAT WARNER	1169 Upper Wellington #3	PAT WARNER
Apr 20	Bob Ambridge	1169 " " #54	Bob Ambridge
April 20	Ed Smith	1169 " " #56	Ed Smith
April 20	Carol Morris	1169 " " 59	CAROL MORRIS
April 20	Til Melbury	1169 " " 21	Til Melbury
April 20	Pat Buchanan	1169 " " 26	Pat Buchanan
April 20	Cathy Jackson	1169 " " 27	Cathy Jackson
April 20	D. Mann	1169 " " 28	D. Mann
April 20	D. Whitworth	1169 " " 13	D. Whitworth
" 20	A. WILLIAMS	1169 " " #17	A. Williams
"	B. SALTARE	1169 " " #15	B. SALTARE
Apr 20	Mary Gray	250 Limeridge #19	Mary Gray
"	Donna	250 Limeridge #13	DONNA
April 20/82	D. Doyle	250 Limeridge #1	D. Doyle
April 20/82	M. Kow	250 Limeridge #33	M. Kow

P E T I T I O N

We, the undersigned, support an ammendment to the current zoning, for the property known municipally as 1140 Upper Wellington Street, Hamilton, to allow for the operation of restaurants, in addition to uses already permitted. This would include, but not be limited too, restaurants such as; coffee shops, full service and fast food restaurants.

DATE	NAME	ADDRESS	SIGNATURE
4/20/92	M. PETTIGREW	1169 UPPER WELLINGTON #35	[Signature]
4/20/92	G. Bourke	34-1169 Up Wellington	[Signature]
4/20/92	C. Bourke	34-1169 Up Wellington	C. Bourke
4/20/92	G. Morley	33-1169 Up Wellington	G. Morley
4/20/92	P. Byrdlen	32-1169 UPPER WELLINGTON	[Signature]
4/20/92	M. Freckleton	31 " "	M. Freckleton
4/20/92	JOHANE FORSYTH	29-1169 Upper Wellington	[Signature]
4/20/92	J. Freeman	1169 Upper Wellington	[Signature]
4/20/92	P. Carnovale	19 1169 Upper Well.	P. Carnovale
4/20/92	J. J. LEMMON	11-1169 UPPER WELLINGTON	J. Lemmon
4/20/92	J. McQUARRIE	9 1169 Upper Well.	J. McQuarrie
4/20/92	M. M. M. M.	7-250 Limeridge	M. M. M.
4/20/92	Susan Howard	6-250 Limeridge	Susan Howard
4/20/92	Janica Ansenault	5-250 Limeridge	Janica Ansenault
4/20/92	Diane Pink	4-250 Limeridge	Diane Pink
4/20/92	WILLIAM PATTERSON	48-250 LIMERIDGE	[Signature]
4/20/92	[Signature]	49-250 LIMERIDGE	[Signature]
4/20/92	[Signature]	500 Stone Church Rd W	[Signature]
4/20/92	[Signature]	250 Limeridge #16	[Signature]
" " "	[Signature]	" " #17	[Signature]
4/20/92	Shari Jorgensen	" " #17	Shari Jorgensen
4/20/92	Red Hill	" " #19	[Signature]
4/20/92	Kim Heath	" " #20	Kim Heath
4/20/92	MAXINE ZORN	" " #47	[Signature]
4/20/92	ROBERT LOCKWOOD	250 LIMERIDGE RD E #46	[Signature]
4/20/92	Jane Drotar	250 Limeridge E #45	J. Drotar
4/20/92	Lynne Van Hinkel	" " #44	L. Van Hinkel
4/20/92	UPANI PRAN	" " #39	[Signature]
4/20/92	B. P.	46 Chestnut	[Signature]
4/20/92	Marta Jozwińska	250-36 Limeridge rd. E	M. Jozwińska
4/20/92	Laurie O'Donnell	250-35 " " "	Laurie O'Donnell
4/20/92	A. MUSEER QURNIAH	250-3. " " "	[Signature]
4/20/92	Robert K. Corbin	250-38 Limeridge	[Signature]
4/20/92	[Signature]	31 Bryna Ave.	[Signature]
4/20/92	SUSAN KITCHEN	33 BRYNA AVE	Susan Kitchen
4/20/92	KAY BARRETT	37 " "	K. Barrett
4/20/92	MRS + MRS BYE	39 BRYNA AVE	Mrs. Bye
4/20/92	M. M. M. M.	41 BRYNA AVE	[Signature]
4/20/92	A. S. S. S.	9 BRYNA AVE	[Signature]
4/20/92	Lena Filice	140 JUNE ST.	L. Filice

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

JUL 15 1992

CITY CLERKS

DATE: 15 July 1992
ZA-90-40
Ainslie Wood Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J.D. Thoms, Commissioner
Planning and Development Department

SUBJECT: Request for an Official Plan Amendment and changes in
zoning - No. 45 Rifle Range Road.

RECOMMENDATION:

- A. That draft Hamilton Official Plan Amendment No. 99 be revised by redesignating the subject lands on Schedule "A" - Land Use Concept of the Official Plan from "INDUSTRIAL" to "MAJOR INSTITUTIONAL" and "RESIDENTIAL", and by removing the subject lands from SPECIAL POLICY AREA 11 on Schedule "B" - Special Policy Areas, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That amended Zoning Application 90-40, Patran Holdings Limited, owner, requesting a change in zoning from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse - Maisonette) District modified, to permit development of **part** of the subject lands (Block "2") for 110 townhouses, being located on the east side of Rifle Range Road, south of the CP Railway line, as shown on the attached map marked as Appendix "A" be DENIED for the following reasons:
- i) it represents an overintensification of use, in that the proposed 110 townhouse dwelling units are 1.27 x the density that would normally be permitted on the site under the requested "RT-20" (Townhouse-Maisonette) District (approximately 87 units maximum); and,

- ii) no planning reasons have been submitted to justify the requested increase in density.

C. That approval be given to a further amended Zoning Application 90-40, Patran Holdings Limited, owner, for changes in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District, modified (Block "1") to permit a secondary school (St. Mary's) with an accessory day nursery, and to "RT-20" (Townhouse - Maisonette) District, modified (Block "2") to permit townhouse dwellings, on property located at No. 45 Rifle Range Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Block "2" be rezoned from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse - Maisonette) District;
- iii) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 9(2) of By-law No. 6593, no building shall exceed two stories, and no structure shall exceed 14.5 m in height;
 - b) That notwithstanding Section 9(3) of By-law No. 6593, the following yards shall be provided and maintained;
 - 1. a front yard of a depth of at least 9.0 m on Whitney Avenue;
 - 2. side yards of a width of at least 9.0 m; and,
 - 3. a rear yard of a depth of at least 11.40 m;

- iv) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
 - 1. That Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply to the land fronting onto Rifle Range Road;
 - v) That the amending By-laws be added to Section 19B of Zoning By-law No. 6593 as Schedules S- and S- , and that the subject lands on Zoning District Maps W-46 & W-47 be notated S- and S- ;
 - vi) That the City Solicitor be directed to prepare separate By-laws for Blocks "1" and "2", to amend Zoning By-law No. 6593 and Zoning District Maps W-46 & W-47 for presentation to City Council;
 - vii) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 99 by the Regional Municipality of Hamilton-Wentworth; and,
 - viii) That the Ainslie Wood Neighbourhood Plan be amended by redesignating Block "1" from "INDUSTRIAL" to "CIVIC AND INSTITUTIONAL" and Block "2" from "INDUSTRIAL" to "ATTACHED HOUSING".
- D. That By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding Block "1" to Schedule "A".
- E. That final Site Plan Approvals for Blocks "1" and "2" be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.

EXPLANATORY NOTE:

The purpose of the By-laws is to provide for changes in zoning for lands located at No. 45 Rifle Range Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District; and,

Block "2" - Change from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse - Maisonette) District.

The effect of the By-laws is to permit a Separate Secondary School (St. Mary's) with an accessory day care centre on Block "1", and to permit townhouse dwellings on Block "2".

In addition the By-laws provide for the following variances as special requirements:

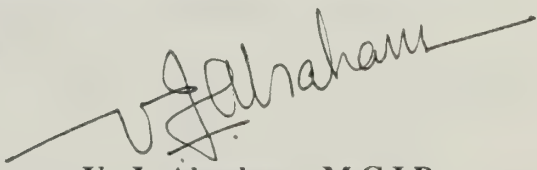
Block "1"

1. That no building shall exceed two stories, and no structure shall exceed 14.5 m in height;
2. To provide and maintain the following yards:
 - a minimum front yard of a depth of at least 9.0 m on Whitney Avenue;
 - minimum side yards of a width of at least 9.0 m; and,
 - a minimum rear yard of a depth of at least 111.40 m;

Block "2"

1. To prohibit street townhouse dwellings fronting directly onto Rifle Range Road.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At its meeting held on May 8, 1991, the Planning and Development Committee approved Zoning Application 90-40 together with an Official Plan Amendment which also included additional lands owned by the applicant (approx. 6.0 ac. adjacent to Whitney Avenue), for changes in zoning as shown on APPENDIX "B" attached to permit a maximum of 282 units. The Official Plan Amendment and Zoning By-law Amendment were not to be forwarded for Council adoption until the details and conditions of zoning (e.g. uses, density, building heights/setbacks, fencing, berming, size and location of proposed park, etc.) in keeping with the plans approved by the Planning and Development Committee, had been finalized to the satisfaction of the Director of Local Planning. Also, the Ainslie Wood Neighbourhood Plan was to be appropriately amended. The draft plan of subdivision "Greening Estates", was also approved, and appropriate conditions of subdivision approval were to be developed to the satisfaction of the Director of Local Planning.

City Council at its meeting held on May 14, 1991, adopted the recommendations of the Planning and Development Committee.

On May 22, 1992, a Plan of Expropriation for a 15 acre portion of the subject lands was registered in the Registry Office in favour of the Hamilton Wentworth Separate School Board.

As a result of the foregoing action, the applicant's agent has requested that the application for an Official Plan Amendment and changes in zoning be further amended (see APPENDIX "A") to provide for the following:

- Block "1" Change from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District modified, to permit a separate high school (St. Mary's) including an accessory day care centre; and,
- Block "2" Change from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse -Maisonette) District modified, to permit 110 townhouse units.

With regard to the application for subdivision approval, (Regional File 25T90024), the applicant has submitted a letter of withdrawal, and the file has been closed.

LOT SIZE AND AREA:

Block "1"

An irregular shaped parcel of land having:

- 220.50 m (723.43 ft.) of lot frontage on Whitney Avenue;
- 197.64 m (648.39 ft.) of lot frontage on Rifle Range Road; and,
- approximately 6.0 ha (15.0 ac) of lot area .

Block "2"

An irregular shaped parcel of land having:

- 169.0 m (554.46 ft.) of lot frontage on Rifle Range Road;
- a lot depth of approximately 137.50 m (451.11 ft.); and,
- approximately 2.02 ha (5.0 ac) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Industrial building	"M-14" (Prestige Industrial) District, modified
<u>Surrounding Lands</u>		
to the north	CP railway line, industrial/commercial uses, and parking lots	"J" (Light and Limited Heavy Industry, etc.) District and "G-3" (Public Parking Lots) District

to the south	park, school, and single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	chemical plant and single-family dwellings	"J" (Light and Limited Heavy Industry, etc.) District and "C" (Urban Protected Residential, etc.) District
to the west	Industrial and single-family dwellings	"M-14" (Prestige Industrial) District, modified and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule A - Land Use Concept and are also within "SPECIAL POLICY AREA 11" on Schedule B - Special Policy Areas. The following policies would apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;
 - ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
 - iii) Uses which have characteristics or functional requirements similar to Industries;

- iv) Residences for maintenance staff of a principal use;
- v) Research and development facilities;
- vi) Public and private transportation terminals, highway and road related services (e.g., automobile service stations); and,
- vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

The proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation of Block "1" from "INDUSTRIAL" to "MAJOR INSTITUTIONAL" and Block "2" from "INDUSTRIAL" to "RESIDENTIAL", and to remove both Blocks from "SPECIAL POLICY AREA 11".

NEIGHBOURHOOD PLAN:

The subject lands are designated "INDUSTRIAL" on the approved Ainslie Wood Neighbourhood Plan. The proposal does not comply. Approval of the application would require redesignation to "CIVIC AND INSTITUTIONAL" (Block 1), and to "ATTACHED HOUSING" (Block 2).

COMMENTS RECEIVED:

- The Building Department has advised that:

"A Secondary School containing 50 classrooms for grade 9 to 12 requires ninety (90) parking spaces.

A Day Nursery requires one (1) parking space for every six (6) children who may be lawfully accommodated.

No concept plan has been submitted to determine compliance with the proposed RT-20 zoning district requirements. Each townhouse dwelling unit requires a minimum lot area of 230.0m², therefore one hundred and ten (110) units shall require a minimum lot area of 25300.0m²."

- The Traffic Department has advised that:

"...we would request that street townhouses not be permitted onto Rifle Range Road. The proposed day nursery as part of the high school development is satisfactory."

- The Hamilton Wentworth - Roads Department has advised that:

- "1. The existing and designated road allowance widths of Whitney Avenue and Rifle Range Road is 20.12m (66 feet). Therefore we do not anticipate any further road allowance widenings at this time.
2. Any works which may occur within the Whitney Avenue and Rifle Range Road road allowances must conform to the City of Hamilton Streets By-law.
3. As you were advised on October 7, 1991, the sanitary sewer must be connected to the 450 diameter combined sewer on Rifle Range Road. The storm sewer must connect to the manhole of 750 diameter storm sewer at the intersection of Rifle Range Road and Whitney Avenue. The water can be serviced from either street.

Please refer to attached sketch outlining our requirements (see Appendix "C").

4. We will provide comments on grading at such time a detailed grading plan is submitted for our review and approval.

5. ..., the following traffic concerns were brought to your attention:

The islands must be cut back 3 to 4 meters on both sides in the bus parking area in order for buses to properly manoeuvre around other parked buses.

The accesses must either be widened or the driveways must be signed as one-way only to the satisfaction of the City of Hamilton Traffic Department.

The parking signs, installation of barriers at the entrances to the parking lots, etc. must be to the satisfaction of the City of Hamilton Traffic Department.

The Traffic Department will review sight distances at the access points to Whitney Avenue. Visitor parking areas are to be specified and the ramp must be widened to allow vehicles to pass in the drive through lane on private property and to bring this area up to O.B.C. fire route standards.

6. ...It appears that the existing zoning places this property under site plan control and will recommend that these lands continue to be developed through site plan control even though modifications to the Zoning By-law may be required to construct this facility.
7. Comments from the TH&B Railway should be considered with respect to setbacks access, noise attenuation, berms, required sight lines at the municipal road crossing, etc."

The Roads Department has further advised that:

- "1. Items 1,2,3,4,6 and 7 in our previous letter dated October 24, 1991 are still applicable. It is our understanding that the School Board has expropriated lands from Patran Holdings Inc. for a new highschool site. Block 2 on the Zoning Amendment is still owned by Patran Holdings Inc. and it is proposed that Townhouses be built on this part. Should this be the case, we advise that Block 2 must have a storm water easement over Block 1 in order to connect the storm sewers to the existing 750 storm sewer at the intersection of Whitney Avenue and Rifle Range Road.

2. As noted in item 5 ... the Traffic Department had concerns with respect to access and on-site manoeuvring on the school site and updated comments on these matters should be obtained from their office.
3. We understand that the development of these lands will be subject to site plan approval."

- The Economic Development Department has advised that:

"Conversion of industrial property for residential uses depletes the availability of sites for potential business development. Previously, the Hamilton Business Land Use Advisory Board has commented upon this issue.

However, this Department has no objection to the re-zoning as we are unaware of any clients seeking this area for industrial use."

- The Hamilton-Region Conservation Authority, and the Hamilton-Wentworth Roman Catholic Separate School Board have no comments or objections.
- The Ministry of the Environment has advised that:

"... We do not object to this zoning amendment provided that adequate consideration be given to the following items:

1. Directly east and west of the subject lands are properties zoned industrial. A conflict in land use may exist and the subject property may be exposed to elevated levels of noise, odour and dust.
2. Directly north of the property is a two track railway line currently having rail tank cars stored on it. It is recommended that a noise and vibration study be done to ensure no adverse effects would be experienced at the subject lands.
3. The subject lands are being rezoned from industrial use to residential use. Therefore, it will be necessary for the property to undergo a study of soil conditions to determine if any decommissioning is required as laid out in the Ministry of the Environment's Guidelines for Decommissioning."

With regard to comments on the revised application, the Ministry of the Environment has no further comments than those noted above. The Ministry has verbally advised that Golder and Associates, Consulting Engineers, representing the Hamilton Wentworth Separate School Board have contacted the Ministry concerning the decommissioning of the high school site. Ministry officials have confirmed, upon site inspecting the property, that preliminary work, (bore holes, etc.) have been started. However, to-date, a report on decommissioning has not been submitted. They have further advised that it would be preferable if one report were prepared for both sites (Blocks "1" and "2"), to avoid a situation where the school was built and its use could possibly be affected by a decommissioning process on adjoining lands.

- CP Rail has verbally advised that:

"There are no trains operating on this section of track adjoining the subject lands. The only conditions applicable at this time are:

1. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.
2. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the railway."

- The Board of Education for the City of Hamilton has advised that:

"...we have reviewed this update which indicates approximately 110 townhouse or maisonette units would be built on this property.

Assuming each of these units have 3 bedrooms, we expect approximately 9 to 10 students per grade would attend Hamilton Board of Education Elementary Schools from this development.

Our Board, in anticipation of this development, has already approved the re-opening of Binkley Elementary School for September 1995. It has not yet been determined whether the students in Junior Kindergarten to grade 5 from this survey will attend Binkley or Prince Philip.

Students in Grade 6, 7 and 8 will attend Dalewood School. As this school is already over capacity additional portables can be expected. Secondary school students will attend Westdale Secondary School."

COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation of Block "1" from "INDUSTRIAL" to "MAJOR INSTITUTIONAL", and Block "2" from "INDUSTRIAL" to "RESIDENTIAL" and to remove them from "SPECIAL POLICY AREA 11". In this regard, draft Official Plan Amendment 99 would have to be revised accordingly.
2. The proposal does not comply with the intent of the approved Ainslie Wood Neighbourhood Plan. Approval of the application would require redesignation of Block "1" from "INDUSTRIAL" to "CIVIC AND INSTITUTIONAL", and Block "2" from "INDUSTRIAL" to "ATTACHED HOUSING".
3. The concept of permitting a new high school with an accessory day care centre (Block "1") and a townhouse development (Block "2") on the subject lands has merit and can be supported for the following reasons:
 - it would be compatible with established low density residential development and with Prince Philip Public School and Alexander Park to the south;
 - it represents a logical extension of the established residential neighbourhood to the south;
 - it has good access to the major arterial roadway system via Rifle Range Road and Whitney Avenue, and is on a public transit route (route 5);
 - as indicated by the Economic Development Department, there is no apparent demand for industrial land in this area;
 - it provides for the redevelopment and intensification of a former industrial site;
 - it will result in the elimination of existing or potential conflicts between industrial and residential uses;

- the proposed townhouse development for the northwest corner of the site abuts a collector road (Rifle Range Road), industrial development to the west, a railway line and industrial/commercial uses to the north, where higher density development is more appropriately located;
- it provides affordable housing opportunities;
- it satisfies the need for a new separate high school in the west end of the city;
- secondary schools are permitted in most residential Zoning Districts in the City, subject to the requirements for yards and parking; and,
- "day nurseries" are permitted in the "C" (Urban Protected Residential, etc.) District, however those located in churches, schools, community centres and the like, are not restricted to a maximum of 25 children or the minimum radial separation distance of 180 m from another "day nursery".

However, the proposal to introduce a large concentration of townhouses (110 units on a 2.02 ha (5.0 ac.)) site on Block "2" cannot be supported for the following reasons:

- it represents an overintensification of use, in that the proposed 110 townhouse dwelling units are 1.27 x the density that would normally be permitted on the site under the requested "RT-20" (Townhouse-Maisonette) District (approximately 87 units maximum); and,
- no planning reasons have been submitted to justify the requested increase in density.

On this basis, the proposed rezoning to "RT-20" (Townhouse - Maisonette) District modified to permit a maximum 110 units for Block "2" cannot be supported. However, a further amended application to permit development in accordance with the "RT-20" (Townhouse-Maisonette) District regulations (approximately 87 units) can be supported.

4. On the basis of a preliminary site plan, the secondary school and day nursery will provide minimum front and side yards of 9.0 metres and a minimum rear yard of 111.4 metres. These yards are larger than those required under the requested "C" District. Accordingly, it would be appropriate to establish them as special requirements in the amending By-law.

In addition, a variance is required to permit a maximum height of 14.4 metres. The "C" (Urban Protected Residential, etc.) District limits the height of structures to a maximum of 11.0 metres. The requested variance is relatively minor in nature and therefore can be supported.

5. The Traffic Department has requested that street townhouses not be permitted fronting onto Rifle Range Road. Accordingly, a variance to prohibit street townhouses fronting onto Rifle Range Road should also be included in the amending by-law.
6. The development of Block "1" under the "C" (Urban Protected Residential, etc.) District is not subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. The subject lands should be placed under Site Plan Control to ensure concerns regarding decommissioning, parking layout, grading, fencing, landscaping, etc. will be addressed.

In this regard, the Ministry of the Environment has advised that, to-date, a soils study required for decommissioning has not been submitted for either Blocks "1" or "2".

Approval of the application should therefore be conditional on the following:

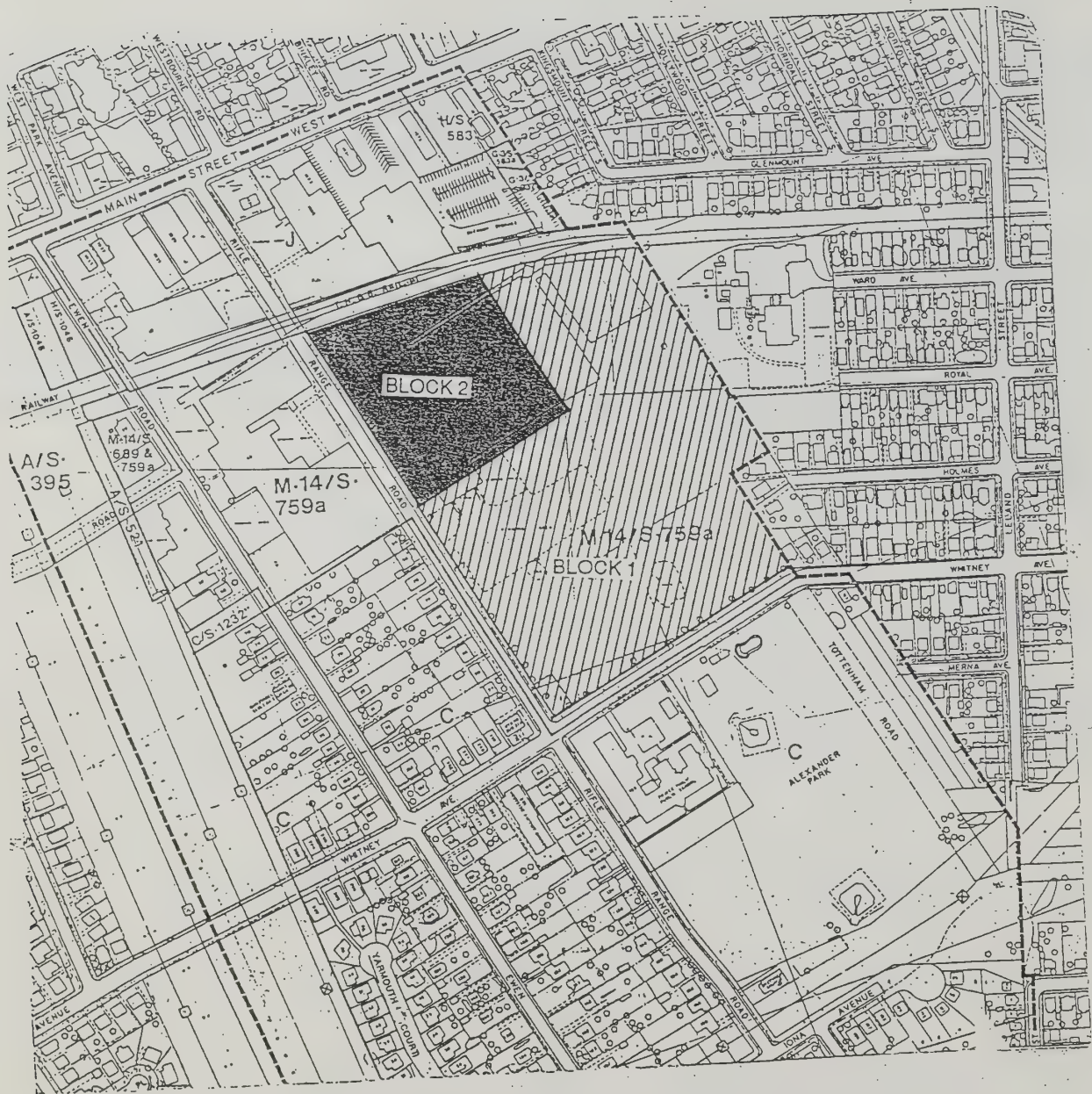
- that final Site Plan Approvals for Blocks "1" and "2" be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.

7. Since the subject lands (i.e. Blocks "1" and "2") will be under different ownerships and developed independently, it would be appropriate to prepare separate by-laws.

CONCLUSIONS:



Based on the foregoing, the amended application as submitted for Block "2" cannot be supported and, therefore, should be denied. However, a further amended application for "RT-20" (Townhouse - Maisonette) District zoning for Block "2", and "C" (Urban Protected Residential, etc.) District for Block "1" can be supported.

GAW/ma
WPZA9040



Legend







Proposed change in zoning from "M-14" (Prestige Industrial) District, modified to:

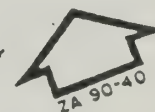
- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc) District, modified. |
| BLOCK 2 |  | "RT-20" (Townhouse-Maisonette) District, modified. |



APPENDIX A

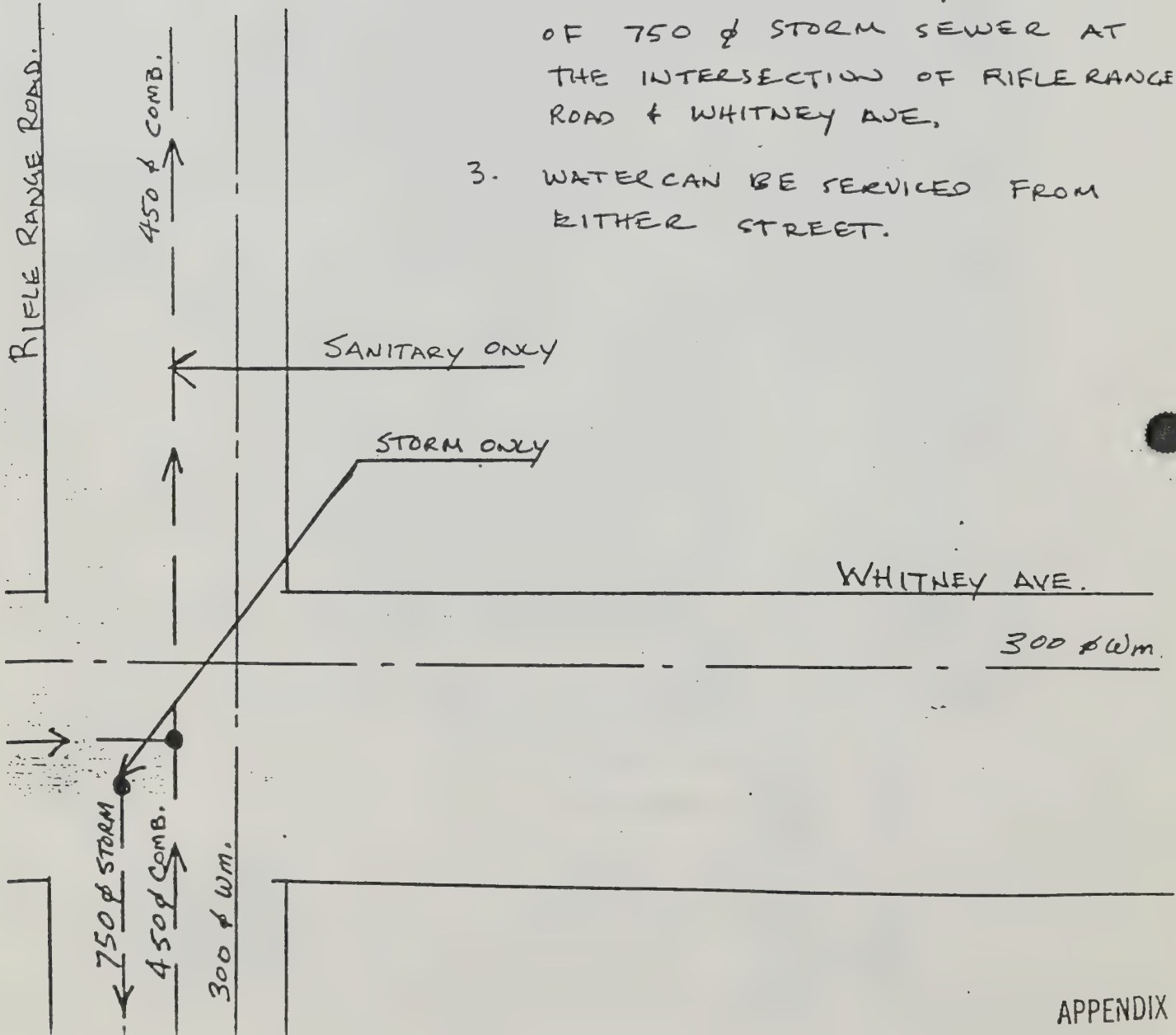
Proposed changes in zoning from "M-14" (Prestige Industrial) District, modified to:

BLOCK 1		"C" (Urban Protected Residential, etc.) District
BLOCK 2		"R-4" (Small Lot Single-Family Detached) District
BLOCK 3		"RT-20" (Townhouse-Maisonette) District
BLOCK 4		"RT-30" (Street-Townhouse) District
BLOCK 5		"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
BLOCK 6		"E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District



Appendix "D" as referred to in Section 10 of the EIGHTH Report for 1991 of the Planning and Development Committee.

1. SANITARY SEWER MUST GO TO 450 ϕ COMBINED SEWER ON RIFLE RANGE ROAD
2. STORM SEWER MUST GO TO M.H. OF 750 ϕ STORM SEWER AT THE INTERSECTION OF RIFLE RANGE ROAD & WHITNEY AVE.
3. WATER CAN BE SERVICED FROM EITHER STREET.



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

JUL 09 1992

90 Rifle Range Road
Hamilton, Ontario
L8S 3B4

CITY CLERKS

Secretary
Planning and Development Committee
City Hall
71 Main St. West
Hamilton, Ontario
L8N 3T4

21-90-40
11a

Gentlemen:

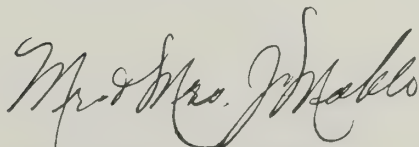
Please be advised that we are in favor Block "1" for St. Mary's secondary school.

We are opposed to the development of Block "2". This parcel of land should have gone to the school for **future development and expansion**. We do not need an additional 1000/2000 people crammed into this area.

This specific area has undergone excessive development during the last 35 years. As a result we have additional congestion, noise and pollution. First, we were inflicted with hamburger heaven on Main West. The Diamond Shamrock Chemical plant which we contented with for years. The latest addition the Pipe Line which makes it necessary for the residents to stay up from Wednesday thru Saturday until 3:00 a.m. in the morning because of the drunken patrons of this establishment.

The addition of high density dwellings in this area would just compound the current situation. Low density, single family homes should be given serious consideration.

Yours truly,


Mr. & Mrs. J. Maklo

PROPOSED CHANGE - BLOCK 1 - M-14, MODIFIED TO C, MODIFIED

BLOCK 2 - M-14, MODIFIED TO RT-20, MODIFIED

PROPERTY DESCRIPTION - NO. 45 RIFLE RANGE ROAD

I AM IN FAVOUR OF (1)

OPPOSED TO (2) (PLEASE CHECK (X) WHICH)

THIS PROPOSED CHANGE

L. Maklo
MAKLO JOSEPH
MAKLO LOUISE
90 RIFLE RANGE RD
HAMILTON, ONT

LBS 384

.....
FILE-ZA-90-40

SEQ-00149

C. Hicks
.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4445

JUL 09 1992
Z490-40

Murray A. Kovacs
Jackson Station - P.C. Box 57088
Jackson Square Mall
Hamilton, Ontario L8P 4W9

RECEIVED 115

JUL 09 1992

June 30, 1992

The Corporation of the City of Hamilton
71 Main St. West
Hamilton, Ontario L8N 3T4

CITY CLERKS

RE: Proposed Changes

We fully support the establishment of St. Mary's High School on Block 1, but are opposed to high-concentration housing for Block 2. Low-concentration housing, or, an extension of St. Mary's to include Block 2 territory would be acceptable.

The Roman Catholic School Board has been pursuing Block 2 territory for the simple reason that Block 1 land will prove restrictive for a body of some 1200 students.

If townhouses are permitted, along with a "crowded" high-school operation, the entire character of the neighbourhood, reflected in an intense increase in population with associated vehicular traffic, etc., will be forever altered.

Please re-consider the high-concentration housing for Block 2.

Thank you.


Murray Kovacs

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 09"

CALYON HW AOS
CSIP 4



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library

J.J. SCHATZ
CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK
71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700
FAX: 546-2095

***Note: 9:00 a.m. start time**

1992 August 13


NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1992 August 19

9:00 o'clock a.m.

Room 233, City Hall



Tina Agnello, Secretary
Planning and Development Committee

URBAN MUNICIPAL
ATTN: 7 7 1000
GOV. DOCUMENTS

A G E N D A:

9:00 O'CLOCK A.M.

1. **820 RYMAL ROAD WEST**
- CONDITION OF APPROVAL: ZA-89-94 (previously tabled)
 - (a) Commissioner of Planning and Development report
 - (b) City Solicitor - Confidential information report
 - (c) Letter from Fothergill Planning and Development dated 1992 July 20

9:30 O'CLOCK A.M.

2. COMMISSIONER OF PLANNING AND DEVELOPMENT

- (a) (i) Proposed Provincial Regulations for Apartments in Houses
- (ii) David Beland - Delegation
- (b) Housing Intensification Strategy - Request for Direction

3. CONSENT AGENDA

4. CONFIDENTIAL AGENDA

5. BUILDING COMMISSIONER

Building Code By-law 85-86

ZONING APPLICATIONS AND PUBLIC MEETINGS

10:30 O'CLOCK A.M.

- 6. Zoning Application 92-29, The Hamilton Society for the Prevention of Cruelty to Animals, owner, for a change in zoning from "M-14" to "M-13", modified, for Block "1" and for a modification to the "M-13" District regulations for Block "2", for property located at Nos. 235-265 Dartnall Road; Hannon South Neighbourhood
- 7. Amended Zoning Application 92-18, Shell Canada Products Limited, prospective owner, for changes in zoning from "AA" to "HH", modified, for Block "1" and from "C" to "HH", modified, for Block "2", for property located at No. 1630 Upper Gage Avenue; Eleanor Neighbourhood
- 8. Zoning Application 88-129, T. Valeri Construction Limited, owner, for a change in zoning from "E-2", modified, to "G-1" for lands located at the south-east corner of Stone Church Road East and Upper Wentworth Street; Butler Neighbourhood
 - (a) Submission: June Kertyzia, Administrator, Stonechurch Family Health Centre

10:45 O'CLOCK A.M.

9. (a) Upper James Land Use Review - West Side of Upper James Street between Wembley and South Bend Roads
- (b) City Initiative 92-D for an Official Plan Amendment and change in zoning from "C" to "H" District, modified for lands on the west side of Upper James Street between Wembley and South Bends Roads (Nos. 674 to 712 Upper James Street); Bonnington Neighbourhood

Submissions:

- (i) Arthur Weisz, Effort Trust Company
- (ii) Peter and Maryanne Russell, 184 Allenby Avenue, Hamilton
- (iii) William and Yvonne Sheppard, 308 West 2nd Street, Hamilton
- (iv) David and Helen Gilson, 78 West 1st Street

11:00 O'CLOCK A.M.

10. Zoning Application 92-26, Jung Y. Mah, owner, for a change in zoning from "C" to "H", modified, for property located at No. 674 Upper James Street; Bonnington Neighbourhood

Submission:

- (a) Jim Kaytor, 673 Upper James Street (Mountain Plaza Mall)

11:15 O'CLOCK A.M.

11. City Initiative 91-A for an Official Plan Amendment and a general text amendment to the "M" District regulations of Zoning By-law No. 6593, for lands located in the East Mountain Industrial-Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East

Submissions:

- (a) Tony Staibano, Hamilton Prokleen Maintenance and Floor Finishing Limited
- (b) D. J. Mason Electric Company Limited, 38A-Bigwin Road, Unit 6

11:30 O'CLOCK A.M.

12. Amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, for a modification to the "M-13" District regulations, for property located at Nos. 1123, 1131 and 1135 Stone Church Road East; Trenholme Neighbourhood

13. COMMISSIONER OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-92-16, Mr. Commisso, owner, for a pylon sign, at
1167 Rymal Road East

14. OTHER BUSINESS

15. ADJOURNMENT

OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
Grading Requirements	1992 February 19	Roads Department	Report Pending
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from - Municipal Depts & standing committees

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
170 1/2 MacNab St. N.	1992 May 6	Building	Tabled - Report Pending
ZA-89-94 Condition of Approval 820 Rymal Road West	1992 May 14	Planning	Tabled for further negotiations between 2 parties
11-13 Holmes Avenue 19th century log home	1992 June 24	Planning	Report pending
Cash-in-lieu: 55 Lancing Drive	1992 June 24	Building	Tabled - Report Pending
ZA-91-12 25 Hess Street South	1992 June 24	Applicant	Tabled for negotiations between parties
ZA-92-03 212 James Street South	1992 June 24	Applicant Harper Brothers Holdings	Tabled to submit amended application
Residential Enclaves	1992 June 30	Planning	Report to review process to rezone to residential
ZA-92-22 860 Upper Wentworth Street	1992 July 22	Applicant R. P. Estrabillo	Tabled to resolve neighbours concerns

1992 August 13

P+D letter March 25/92
Tabled.
P+D letter Apr 8/92 Further Tabled
TA.
P+D May 20/92
Further tabled
TA
P+D June 24/92
Further tabled
TA

CITY OF HAMILTON
- RECOMMENDATION -

1a

DATE: 1992 March 9
ZA-89-94
Broughton West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

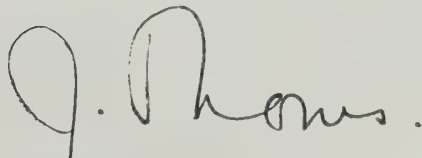
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Condition of approval - No. 820 Rymal Road East.

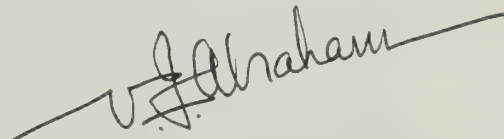
RECOMMENDATION:

That the Planning and Development Committee reaffirm its decision of December 13, 1989, as set out under Section 13 of the First Report for 1990, as follows:

- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

- Zoning Application 89-94

At its meeting of December 13, 1989, the Planning and Development Committee approved the subject application for an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a commercial shopping plaza.

Approval of the application was conditional on the following:

"C. That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

For the information of the Committee, the Planning Department had recommended denial of the application for the following reasons:

- "i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.
- ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan."

City Council at its meeting of January 30, 1990, approved the recommendation of the Planning and Development Committee to allow the application.

- Block "288"

At the rear of the applicant's lands is an irregular strip of land (approx. 200' by 17-19') which is owned by an adjoining property owner, DiCenzo Construction Company Limited (see APPENDIX "B"). The strip of land formed Block "288" (originally known as Block "309") in the "Sandrina Gardens" plan of subdivision, which was draft approved on November 22, 1989. One of the conditions of approval specified that Block "288", among others, be developed only in conjunction with adjoining lands.

In this regard, the adjoining property owner made a submission (see APPENDIX "C") to the Planning and Development Committee at the time the subject application was considered. Consequently, in approving the application the Committee included a condition that both parties negotiate a satisfactory resolution respecting the disposition of Block "288".

- Recovery of Servicing Costs

The Transportation/Environmental Services Group has advised that, generally, any owner abutting a road allowance is responsible for the portion of the costs related to the municipal services installed abutting their lands.

In this instance, a 0.3m reserve is established adjacent to the easterly lot line of the applicant's lands (see APPENDIX "B" - Block "295"). Accordingly, the applicant would be required to pay for his share of the services installed on Street "A" when the lands are developed, regardless of whether or not a driveway access is provided. These costs would be recovered by the City and Region.

With respect to Block "288" (see APPENDIX "B"), DiCenzo Construction would be responsible for paying the servicing costs on Street "B" (see APPENDIX "B"). Consequently, they are attempting to recover the costs for these services, including 1/2 of the roadway, in conjunction with the sale of Block "288".

- Negotiations

By January 1992 both parties appeared to be moving towards an agreement on this matter, and in fact an Agreement of Purchase and Sale was made by a third party to DiCenzo Construction Company Limited. Subsequently, the solicitor for DiCenzo Construction Company Limited forwarded a long form agreement to be registered on title to the prospective purchaser.

However, the parties were unable to finalize an agreement and the applicant's agent requested that this matter be forwarded to the Planning and Development Committee for resolution.

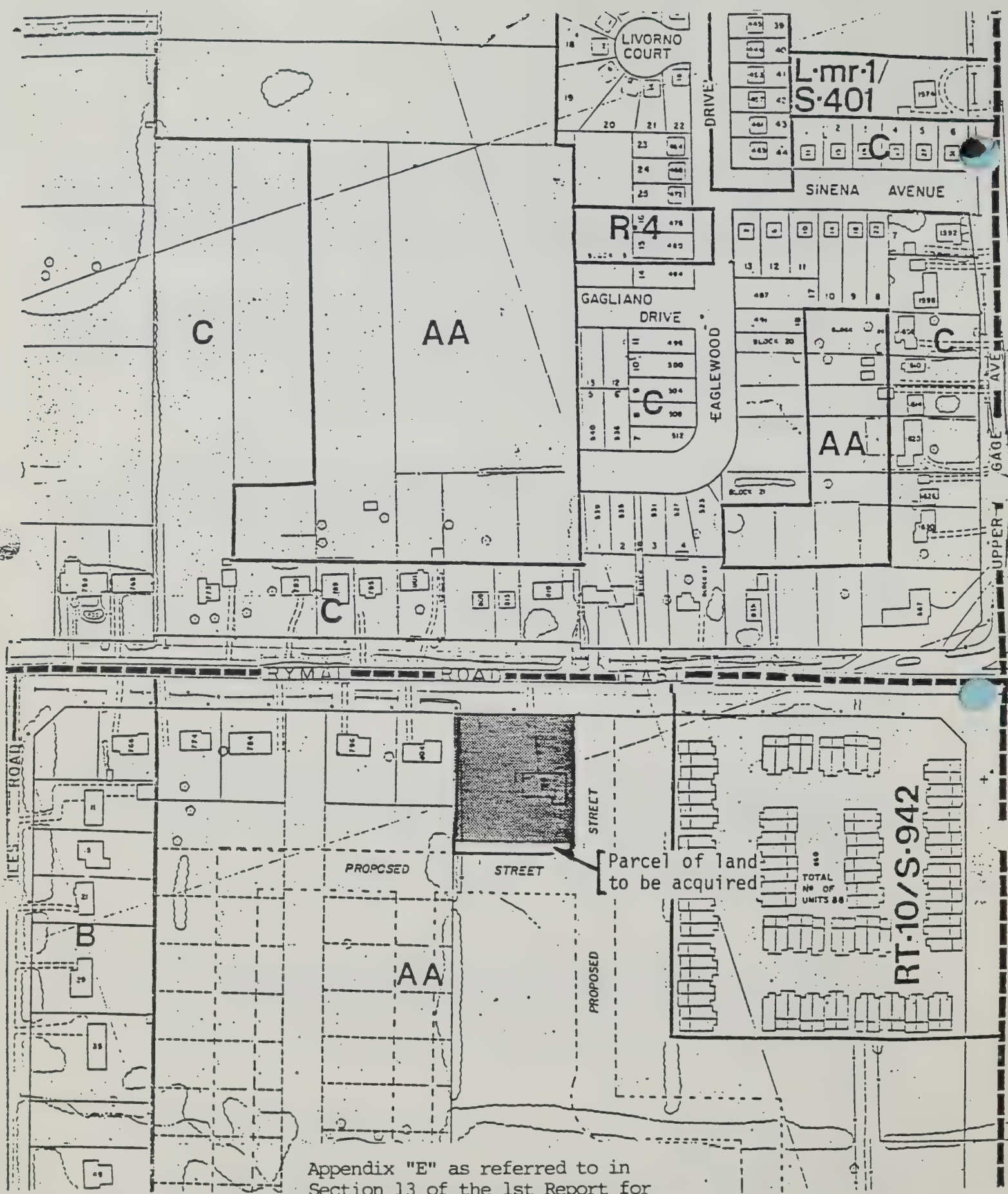
COMMENT:

From a Planning perspective, any future development of the applicant's lands (see APPENDIX "A") should incorporate the adjoining remnant parcel of land to the south (Block "288" - APPENDIX "B"). To date, all previous planning considerations (e.g. Neighbourhood Plan, draft plan of subdivision) have provided for this.

CONCLUSION:

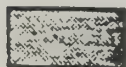
The Planning and Development Committee should reaffirm its decision of December 13, 1989, to require "...the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

/ma
ZA8994



Appendix "E" as referred to in
Section 13 of the 1st Report for
1990 of the Planning and
Development Committee

Legend

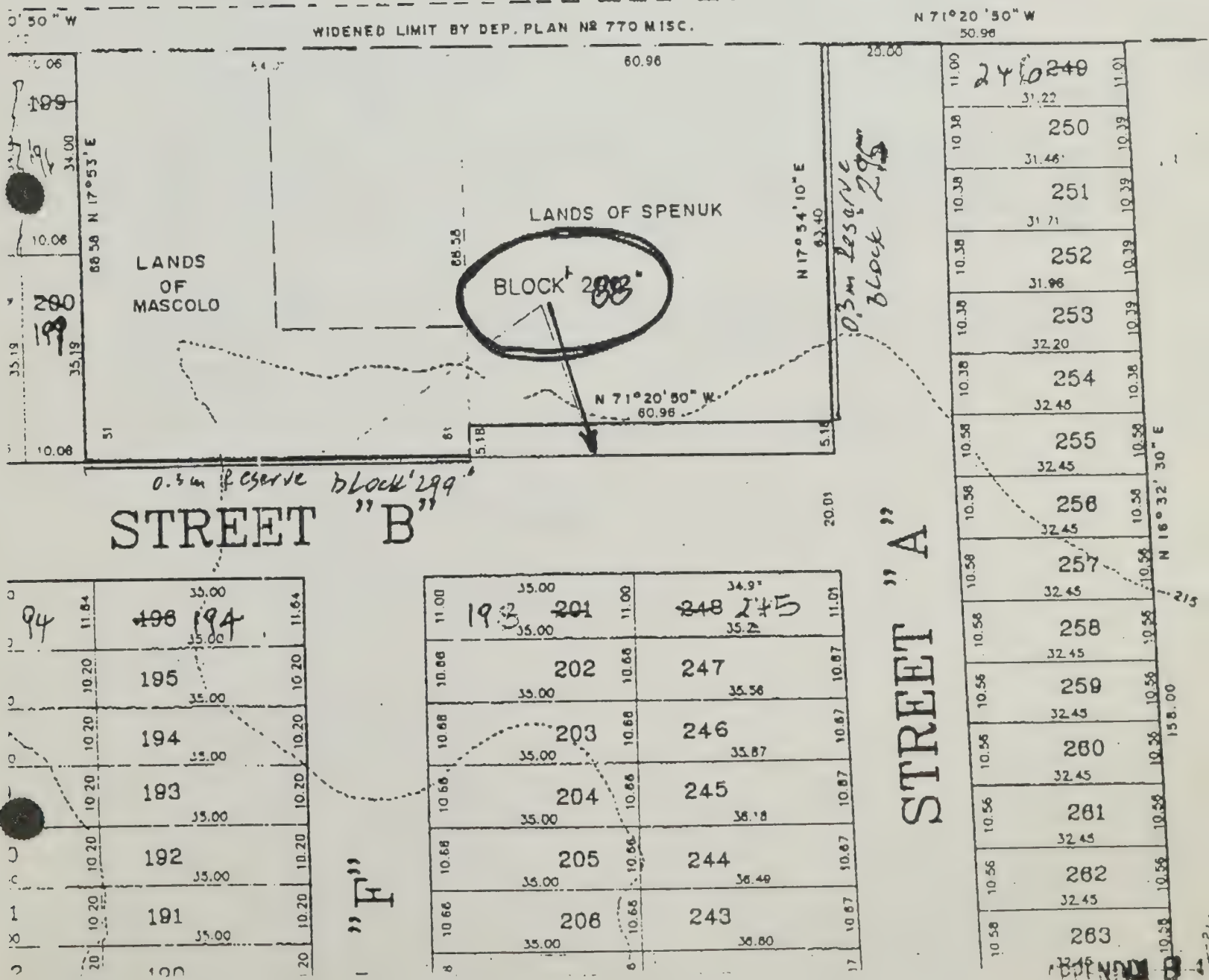


Site of the Application



APPENDIX A

ROAD



1c)

FPD

FOTHERGILL PLANNING & DEVELOPMENT

135 JAMES STREET SOUTH, SUITE 1015 • HAMILTON, ONTARIO L8P 2Z6 • TEL. (416) 577-1077

RECEIVED

JUL 20 1992

CITY CLERKS

July 20, 1992

Tina Agnello
Secretary, Planning & Development Committee
Clerks Department
City of Hamilton
City Hall
Hamilton, Ont.

Dear tina:

Re: 820 Rymal Road East
Mr. and Mrs. Spenuk
City of Hamilton


Further to our conversations, our firm will be prepared to make presentation at the August 19, 1992 Planning and Development Committee meeting. Both Ed Fothergill and Herman Turkstra are involved in a Consolidated Board Hearing at Hamilton City Hall on that day.

To avoid any further delays with respect to this mater, we would suggest that the issue be placed on the agenda right at 9:00 am on August 19. We will endeavour to have the Board Chairman accommodate us on that day.

Could you please confirm if this would be satisfactory.

Sincerely,

FOTHERGILL PLANNING AND DEVELOPMENT



Al Fletcher, B.A.
Planner

cc. Ernie Spenuk
Herman Turkstra
Paul Mallard

PLANNING AND DEVELOPMENT COMMITTEE

WEDNESDAY, 1992 AUGUST 19

CONSENT AGENDA

A. ADOPTION OF THE MINUTES

- (a) Minutes of the regular meeting held 1992 July 22
- (b) Minutes of the special meeting held 1992 July 22

B. DIRECTOR OF PROPERTY

Release of Construction Covenants, Cayuga Materials and Construction Company Limited - 1680 Upper Ottawa Street

C. CITY SOLICITOR

Proposed expropriation of 386 Birch Avenue

D. SENIOR DIRECTOR, ROADS DEPARTMENT

Claudette Gardens - Phase 1, Cash in lieu of 5% Parkland Dedication

E. BUILDING COMMISSIONER

- (a) **Emergency Loan Programme - 153 Bell Avenue**
- (b) **Designated Property Grants**
- (c) **City of Hamilton Heritage Programme:**
 - (i) 233 and 235 Locke Street North
 - (ii) 256-258 MacNab Street North
 - (iii) 33 Undermount Avenue

GOV
MENT DOCUMENTS
AUG 19 1992
URBAN MUNICIPAL

- (iv) 188 Markland Street
- (v) 74 George Street
- (vi) 107 George Street
- (vii) 988 Concession Street
- (viii) 221 Ferguson Avenue South

(d) **Demolition Permits**

- (i) 1143 Upper James Street
- (ii) 480 Rymal Road West
- (iii) 1158 Garth Street
- (iv) 1176 Garth Street
- (v) 1112 Upper Wentworth Street
- (vi) 1117 Upper Wentworth Street
- (vii) 1118 Upper Wentworth Street
- (viii) 1128 Upper Wentworth Street
- (ix) 1129 Upper Wentworth Street

F. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Request for a modification in zoning - No. 55 Lancing Drive
- (b) City Initiative 89-F; Definition of Townhouses and Maisonettes
- (c) Request to remove Part Lot Control from Lots 1 to 31 inclusive and Blocks 32 to 35 inclusive - Edan Heights: south of Stone Church Road and west of Upper Sherman Avenue, Butler Neighbourhood
- (d) Modifications to Official Plan Amendment No. 80 - City of Hamilton Response
- (e) Conformity Exercise: The Niagara Escarpment Plan/Hamilton Official Plan
- (f) Site Plan Control Application DA-92-27, Taba Developments Ltd., to amend DA-91-67 for an office, industrial and commercial development at the south-east corner of Upper Ottawa and Stone Church Road East
- (g) Site Plan Control Application DA-92-99, Russ MacKenzie, owner, for an addition to a garage at 2117 King Street East, Bartonville Neighbourhood

G. **INFORMATION REPORTS**

- (a) Building Commissioner: Perimeter Fence - 107 Stuart Street South
- (b) Building Commissioner: Designated Property Grants
- (c) Director of Public Works: Barton General Business Improvement Area - General Programme
- (d) Director of Local Planning: Approved Site Plan Control Applications

A. a)

Wednesday, 1992 July 22
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Mayor R. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Wilson
Alderman B. Charters
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman B. Morelli
J. Pavelka, Chief Administrative Officer
V. Abraham, Planning Department
P. Mallard, Planning Department
B. Janssen, Planning Department
J. Sakala, Planning Department
C. Lee-Morrison, Planning Department
N. Chapple, L.A.C.A.C.
P. Hooker, Law Department
G. Aston, Regional Engineering Department
R. Buckle, Property Department
R. Karl, Traffic Department
W. Wong, Building Department
T. Agnello, Secretary

1. CONSENT AGENDA

A. ADOPTION OF MINUTES

- (a) The minutes of the regular meeting held 1992 June 24 were adopted as amended to add to item 16 after paragraph 5 as follows:

In response to a question from Alderman Eisenberger, Mr. Lanzino advised that he would decommission both 430 Cumberland Avenue and the abutting property at 450 Cumberland Avenue if required.

- (b) The minutes of the special meeting held 1992 June 24 were approved as circulated.
- (c) The minutes of the special meeting held 1992 June 30 were approved as amended to record Alderman Kiss as being absent due to vacation.

The Mayor noted that special meeting are not to be considered for the purposes of taking attendance polls for meetings.

B. BUILDING COMMISSIONER**Appointment By-law: Temporary Inspector**

As recommended by the Building Commissioner in a report dated 1992 July 15, the Committee recommended to Council as follows:

- (a) That Section 9 of By-Law 92-094 respecting the Chief Building Official and Inspectors appointed under the Building Code Act be amended by adding the following name:
 - (i) Michael Reilly
- (b) That the City Solicitor be authorized and directed to prepare an amending by-law for presentation to City Council.

C. COMMISSIONER OF PLANNING AND DEVELOPMENT**(a) Extension of Draft Approval "Ridgeview Estates" Subdivision**

As recommended by the Commissioner of Planning and Development in a report dated 1992 July 6, the Committee recommended to Council as follows:

That the Region be requested to grant a two-year extension to the draft approval for "Ridgeview Estates" subdivision (File No. 25T-76046)

(b) Site Plan Control Application DA-92-10 Zoning Application ZA-91-55 for development of a parking area on lands at 131-133 Market Street.

Mr. Sakala explained that a revised report has been distributed which recommends access to Market Street.

As recommended by the Commissioner of Planning and Development in a revised report dated 1992 July 20, the Committee recommended to Council as follows:

A. That approval be given to Site Plan Control Application DA-92-10 by Hamilton Store Fixtures Ltd., lessee of lands at 131-133 Market Street to establish a parking area subject to the following:

- (i) modification to the plan in relation to notes, dimensions, exit driveway and landscape area as marked in red on the plans;
- (ii) submission of a revised landscape plan to the satisfaction of the Director of Local Planning; and,
- (iii) that the plans be incorporated in a Site Plan Control Agreement to be registered on Title of the land as required by the condition of approval of Zoning Application ZA-91-55.

B. That Item 10 of the Second Report for 1991 of the Planning and Development Committee approved by City Council on 1992 January 28, respecting Zoning Application ZA-91-55 by Hamilton Store Fixtures Ltd., lessee for property at 131-133 Market Street be amended as follows:

- (i) Delete Item 10.A(a)(iv) and replacing it with the following:
 - "(iv) that a minimum 1.5 m wide planting strip shall be provided along a portion of the westerly property line for a distance of 18.0 m from the front property line."
- (ii) Amend Item 10.A(a)(vi) by deleting the word "westerly" and adding the following statement to the end of the sentence:
 - "and 20 m along the westerly property line, together with a chain link fence on the remainder of the westerly property line."
- (iii) Delete Item 10.A(a)(iii) and renumber the remaining sections accordingly.

D. INFORMATION REPORT

Commissioner of Planning and Development: Approved Site Plan Control Application DA-91-75, 418 Limeridge Road East

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 July 13.

2. DELEGATION - PETER L. HILL, URBAN DESIGN COMMITTEE

Implementation of preliminary design for the Go Station

The Vice-Chairperson of the Urban Design Committee was present. He advised that the Urban Design Committee and CAPIC have been awaiting the final report on the Go Station for review and comment. At present, there is no final report and plans are being made to start the tendering process. Only the preliminary plans are available. The Urban Design Committee has several concerns if this preliminary plan is implemented.

He recommended that the Planning and Development Committee review the final plans of this Go Station immediately.

Mr. Abraham stated that staff is in contact with the Go Transit representatives and that a staff meeting is scheduled for 1992 July 29 to discuss the process and issues.

Mr. Hill suggested that Go Transit be asked to delay their plans until such time as the final plans are available and public comment can be provided.

Hilly Nortman of the Stinson Community Association concurred with Mr. Hill and requested to be included in the process.

After discussion, the Committee passed the following resolution:

- (a) That correspondence from Peter J. Hill, on behalf of the Urban Design Committee, be forwarded to the Chief Administrative Officer for consideration at the meeting regarding the Go Station to be held 1992 July 29; and,
- (b) That the Planning Department call a meeting of all interested parties to be held in early September 1992.

3. SINGLE TIER BUREAUCRACY, REVIEW STEERING COMMITTEE

Single Tier Administration - A discussion paper

The Mayor advised that the study proposes to investigate all options for combining administrations. The City's role will not be undermined in the process. He is happy with the progress thus far and commended Mr. Pavelka with his work.

Alderman Merling felt that there is a duplication of bureaucracies. He cited the Planning function as an example. We should not be purchasing services from another level of government when they can be provided by single tier administration.

Alderman Eisenberger cautioned that the process is lengthy. Monetary savings may not be immediately realized in the first or second years of implementation but will be visible thereafter.

The Committee moved to receive the report of the Single Tier Bureaucracy Review Steering Committee dated 1992 July 3.

ZONING APPLICATIONS

4. **City Initiative 92-B, to consider a general text amendment to City of Hamilton Zoning By-law No. 6593 to revise the definition of "Home Occupation"**

Christine Lee-Morrison advised that in 1981, the City passed By-law 81-20 to remove hairdressing and barbering uses as home occupations. The Planning department has been directed to review the by-law and stated that these uses are being recommended with restrictions that 1 styling sink, 1 comb out centre and 1 employee only be permitted. With the restrictions, it is felt that effects will be mitigated. She advised that the 52 Heather Road request for barbering which was previously denied would be permitted if this amendment is passed.

Alderman Eisenberger stated that the Committee should have some discretion in deciding these matters since all cases are not the same.

Mary Walton of 150 Avondale Avenue was present in support of the amendment. She is a hairdresser who works from her home. She offers quality service to the surrounding neighbourhood at a reasonable cost. She can only serve one customer at a time and is licensed and trained. She is speaking for 23 hairstylists and will start a petition if necessary.

Alderman Charters said that the Global perspective should be considered; not isolated issues. Especially in tough economic times, people should not be required to obtain approval to conduct home occupations.

Alderman Kiss stated that she would only support the amendment with restrictions.

Alderman Merling stated that most applications have been for Ward 7. He stated that it is a costly process for people attempting to supplement their income. He suggested that these uses be excluded from the "B" zone.

Alderman D'Amico concurred and stated that these are people who may otherwise require day care services or welfare.

After discussion, the Committee approved the recommendation of the Commissioner of Planning and Development dated 1992 July 10, as amended, and recommended to Council as follows:

That approval be given to City Initiative 92-B, to amend Zoning By-law No. 6593, as amended by by-law No. 81-20, to provide for a revised definition of "Home Occupation", on the following basis:

- (a) That subsection 2.(2)H.(iii) of Zoning By-law No. 6593, as amended by By-law No. 81-20, be further amended by:
- (i) deleting the preamble "but does not include an incidental and secondary use that consists of," and deleting clauses (h),(i), (j) and (k):
 - (ii) inserting new clauses (h) and (i) as follows:
 - "(h) shall include an incidental and secondary use, limited to not more than:
 - 1. one hairdresser or one barber;
 - 2. one comb-out centre; and,
 - 3. one hair styling sink;
 - (i) shall not include an incidental and secondary use that consists of:
 - 1. motor vehicle repairs, auto body repairing and painting of motor vehicles; and,
 - 2. keeping of scrap and salvage material."
 - (iii) That subsection 3.(3) of Zoning By-law No. 6593 be amended by deleting clause (i) and replacing it with new clauses (ia), (ib) and (ic), as follows:
 - "(ia) A home occupation, except that hairdressing or barbering home occupations shall not be permitted within a "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.) or "B-2" (Suburban Residential) District;
 - (ib) Private home day care;
 - (ic) The keeping of small animals or fowl not primarily for gain;"
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (c) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

5. **Amended ZA-91-76, Rymal Road Inc. (John A. Parente), owner, for changes in zoning from "AA" to "C" for Block "1" and from "AA" to "DE-3" for Block "2", for property located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street; Allision Neighbourhood**

The applicant was present in support of his application.

Paul Mallard advised that the purpose of the application is to create townhouse development. A neighbourhood plan change is required for low density apartments. There are special requirements regarding building setbacks and landscaping and also special conditions. Of 85 notices sent, 6 replied in favour and 7 replied opposed.

Alderman Merling was concerned that the plan of subdivision be recognized to which Paul Mallard advised that the owner has submitted a draft plan of subdivision which has single family dwellings to the south of the townhouses. This will come back to the Committee for approval.

In response to a question from Mr. Parente regarding a 15 to 20 feet strip of land, Mr. Mallard advised that a City Initiative will deal with this matter.

As recommended by the Commissioner of Planning and Development in a report dated 1992 June 30, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 91-76, 200 Rymal Road Inc. (John A. Parente), owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); and from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "2"), to permit a single-family dwelling on Block "1" and townhouses and/or multiple dwellings (stacked townhouses) on Block "2", for lands on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
- (c) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to lands shown as Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Sections 10C and 10E of Zoning By-law No. 6593, no building or structure except a fence, shall be set back less than 21.0 m from the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which shall be set back not less than 6.0 m ;
 - (ii) That a minimum 21.0 m wide landscaped area shall be provided and maintained along the westerly lot line of Block "2", except for the land adjacent to the easterly lot line of Block "1" which shall have a minimum width of 6.0 m;
 - (iii) That Section 10E(2)(a)3. of Zoning By-law No. 6593 shall not apply to the land fronting onto Rymal Road East or Upper Wellington Street, located in Block "2";
 - (iv) That a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2";
- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1278, and that the subject lands on Zoning District Maps E-9D and E-9E be notated S-1278;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9D and E-9E for presentation to City Council;
- (f) That the proposed changes in Zoning are in conformity with the Official Plan for the Hamilton Planning Area;
- (g) That the Allison Neighbourhood Plan be amended by redesignating Block "2" from "Attached Housing" to "Low Density Apartments".

6. **ZA -92-24, Stanley Hinz, owner, for a change in zoning from "B" to "C" for property located at No. 62 Kennedy Avenue; Kennedy East Neighbourhood**

Paul Mallard advised that the application is to create an additional single family residential lot. Of those circulated, 8 were in favour, none were opposed.

Ken Woods was present on behalf of the applicant who was also present. He advised that the request is not out of character with lots in the area and that the oversized 90 foot lot is out of character. 40 foot lots presently exist adjacent to the applicant's property. He circulated photos of the existing building. He advised that other similar applications will not be forthcoming. Mr. Hinz is retired and does not want to maintain this lot. The severance has been approved subject to rezoning.

Alderman D'Amico advised that a 40 and 50 foot lot is not in keeping with the neighbourhood.

Alderman Eisenberger stated that the lot, which is 200 feet in depth is large and meets the C zone requirements. This is an isolated case in the neighbourhood and should be permitted.

As recommended by the Commissioner of Planning and Development in a report dated 1992 July 3, the Committee recommended to Council as follows:

That Zoning Application 92-24, Stanley Hinz, owner, requesting a rezoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District to permit the creation of a single-family dwelling lot, for the property located at 62 Kennedy Avenue, as shown on the attached map marked as Appendix "B", be denied for the following reasons:

- (a) it is contrary to the Council adopted policy for this portion of the Kennedy East Neighbourhood of allowing for the creation of additional lots fronting onto Christie Street only;
- (b) it is incompatible with the character of the existing development in this portion of the Neighbourhood;
- (c) it is an indiscriminate mix of lots sizes which is undesirable; and,
- (d) approval of the application would encourage other similar applications, which if approved, would undermine the character of the Neighbourhood.

7. **Amended ZA-91-83 and Draft Plan of Subdivision 25T-92002, Bruscan Development Corporation, owner, for changes in zoning from "AA" to "A" for Block "1" and from "AA" to "C" for Block "2", for property located at No. 655 Rymal Road West; Carpenter Neighbourhood**

Alderman D'Amico declared an interest by virtue of his father having a financial interest in the property and left the room for the duration of this item.

Serge Manchez was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1992 July 14, the Committee recommended to Council as follows:

- (a) That approval be given to Zoning Application 91-83, Bruscan Development Corporation, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "2") and "A" (Conservation, Open Space, Park and Recreation) District (Block "1"), to permit single-family detached dwellings and a park, for the property located south-west of Upper Paradise Road and Rymal Road West, shown as Block

"1" and "2" on the attached map marked as Appendix "C", on the following basis:

- (i) That Block "1" be rezoned from "AA" (Agricultural) District to "A" (Conservation , Open Space, Park and Recreation) District;
- (ii) That Block "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37 and W-27E for presentation to City Council;
- (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

(b) Subdivision Application:

A. That approval be given to application 25T-92002, Brusan Developments, owner, to establish a draft plan of subdivision in the area south of Rymal Road West and east of the City limits, subject to the following conditions:

- (a) That approval apply to the plan prepared by Planning Initiatives Ltd., dated 90/07/10 showing 231 lots and various blocks revised in red as follows:
 - (i) to terminate Street A at Street G with a corner rounding and required relotting;
 - (ii) to provide a 12m sewer easement from Street A to the east limit of the subdivision lands;
 - (iii) to provide storm sewer and watermain easements as required by the Regional Roads Department;
 - (iv) to delete certain reserve blocks and to number the remaining lettered blocks;
 - (v) to provide 2m x 2m daylighting triangles at the corner of Lots 79 and 196;
 - (vi) to provide 9m radius transitional curves at the beginning and end of all street bulbs;
 - (vii) to provide street widening adjacent to Rymal Road West to 18.0m from the centreline;
 - (vii) to provide an angle on Street C of less than 120 degrees and a centreline radius of the roadway of 30m or less.
- (b) That the final plan not be approved until such time as municipal sewers, water and adequate road access are available to service the lands.
- (c) That the streets and walkway be dedicated to the City of Hamilton as public highways and public walkway in the final plan.
- (d) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

- (e) That the final plan conform to the Zoning By-law approved under the Planning Act.
- (f) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
- (g) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
- (h) That the owner convey Block 232 to the City of Hamilton for park purposes.
- (i) That Blocks 234 to 242 inclusive be developed only in conjunction with abutting lands.
- (j) That any dead-ends or open sides of the road allowances created by the final plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowances or development of abutting lands.
- (k) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement, prior to the issuance of a final release by the City of Hamilton.
- (l) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton.

B. That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application, (25T-92002) Bruslan Development Corporation, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

8. **ZA-92-22, Rolando Pineda Estrabillo, owner for a change in zoning from "AA" to "C" modified for Block "1" and for a modification to the "C" District regulations for Block "2", for lands located at No. 860 Upper Wentworth Street; Bruleville Neighbourhood**

This item was tabled to later in the meeting.

9. **ZA-92-11, R. and U. Ghosh, owners, for a modification to the "C" District regulations, for property located at No. 160 Sherman Avenue South; St. Clair Neighbourhood**

Numerous pieces of correspondence was received from area residents regarding the rezoning.

Jack Restivo was present on behalf of the applicant. He requested that the item be tabled to address neighbours concerns.

Paul Mallard explained that the request is to legalize the existing 4 family dwellings whereas only 2 family units are permitted. The proposal conflicts with the neighbourhood plan which has been adopted by Council. 3 of the 4 units do not meet the minimum 700 square feet requirement. Of 214 notices sent, 12 replied in favour and 30 replied opposed.

Mr. Restivo stated that there is a great number of illegal units in the city which have arisen as a result of the housing need. He said that the existing housing situation is not disruptive to the neighbourhood. He advised that the house was used as a 3 unit dwelling when purchased in 1987. The Residential Tenancy Commission recognized 3 units in 1986. The applicant will demolish the existing garage to provide the required parking spaces.

Pat Burton of 168 Sherman Avenue South was present opposed to the application. She fought for the downsizing to two family residences only.

Pat Ford, a neighbourhood resident, stated that it is the owner's responsibility to be aware of zoning requirements. She advised that the neighbours feel strongly and will be forming the St. Clair Area Community Association.

George Force of Sherman Avenue stated that situations such as these should be corrected.

David Beland of 182 St. Clair Avenue, representing the St. Clair Avenue Heritage District advised that the proposal conflicts with the Heritage District plans and City policy adopted in 1992.

Mrs. Cwierzdzinski of 131 St. Clair Avenue, who abuts the property from the rear, was present. She advised that parking and noise is a great concern. The garage serves as a noise buffer.

Marjorie Thomas was present in opposition to the zoning.

Mr. Restivo advised that the garage will be retained if that is preferable.

Alderman Morelli stated that the situation is an intrusion in the neighbourhood. He urged the Committee to deny the application.

Alderman Wilson advised that the purchaser was aware the building could only be used for 2 families but purchased it and added a fourth unit. Alderman Charters and Alderman Eisenberger concurred.

As received by the Commissioner of Planning and Development in a report dated 1992 June 30, the Committee recommended to Council as follows:

That Zoning Application 92-11, Rabindranath Ghosh and Urmila Ghosh, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit the established four-family dwelling on property located at No. 160 Sherman Avenue South, as shown on the attached map marked as "Appendix "D", be denied for the following reasons:

- (a) It is contrary to the intent of the Official Plan, in that it represents the introduction of a four-family dwelling into an area predominantly occupied by single-family and two-family dwellings and would contribute to an indiscriminate mix of housing types;
- (b) It conflicts with the intent of the approved St. Clair Neighbourhood Plan;
- (c) Approval of the application would be contrary to the intent of By-law 76-229 (St. Clair Neighbourhood Rezoning) which downzoned this area from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "C" (Urban Protected Residential, etc.) District, in effect, eliminating the potential for townhouses and permitting conversions to two-family dwellings only;
- (d) It is contrary to recently adopted City Council policy on the "Housing Intensification Strategy" respecting Residential Conversions, in that the "C" District would only permit one accessory apartment as-of-right in all existing

single-family dwellings, whereas four are proposed. Furthermore, three of the four dwelling units would not meet the minimum 65m² (700 sq.ft.) floor area requirement (i.e. 305.5 sq. ft., 454.25 sq. ft. and 512.25 sq. ft.).

- (e) Approval of the application would encourage other similar applications which, if approved, would alter the character of the area and undermine the intent of the Zoning By-law.

10. **ZA-92-21, 870964 Ontario Limited (Domenic DiBernardo), owner, for a further modification to the "G" District regulations, for property located at No. 209 Limeridge Road East; Greeningdon Neighbourhood**

The applicant was present in support of the application.

As recommended by the Commissioner of Planning and Development in a report dated 1992 July 9, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZA-92-21, 870964 Ontario Limited (Domenic DiBernardo), owner, requesting a further modification to the existing "G" (Neighbourhood Shopping Centre) District, to permit restaurants, for property located at 209 Limeridge Road East, as shown on the attached map marked as Appendix "E", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre) District regulations as set out under Section 13 of Zoning by-law No. 6593, as amended by By-law No. 84-34, applicable to the subject lands, be further modified to include the following variance as a special requirement:
 - (i) That Section 2(a)(ii) of By-law No. 84-34 be amended by adding the numeral "(iv)" after "(iii)" in the second line thereof.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-852a, and that the subject lands on Zoning District Map E-9A be notated S-852a;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-Law No. 6593, as amended by By-Law No. 84-34, and Zoning District Map E-9A for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

11. **Amendment to the Official Plan and Amended ZA-90-40, Patran Holdings Limited, owner, for changes in zoning from "M-14" to "C" for Block "1" and from "M-14" to "RT-20" for Block "2", for property located at No. 45 Rifle Range Road; Ainslie Wood Neighbourhood**

Submissions were received from the following:

- (a) Mr. and Mrs. J. Maklo, 90 Rifle Range Road, Hamilton
- (b) Murray Kovacs, Jackson Station, P.O. Box 57088, Hamilton
- (c) Laura Richards, 149 Whitney Avenue, Hamilton

Paul Mallard advised that the purpose of this application is to zone 20 acres of land for a highschool and townhouse development. The site is to be decommissioned. The applicants are requesting 110 townhouse units whereas 87 are permitted. Of 198 notices sent, 12 replied in favour, 6 were opposed and 8 supported the school but not the residences.

Ed Fothergill, Frank Doracin and Mr. Palletta were present on behalf of Patran Holdings Ltd.

Mr. Fothergill advised that the owner now has 5 acres remaining of a large parcel which was expropriated for other purposes. He felt that a request for 13 additional units is a small compromise as a trade off. He also requested that the owner be permitted to continue access from Rifle Range Road.

Don Main, Planning Consultant with the School Board, was present to convey support to the staff report.

Laura Richards of 149 Whitney Avenue was in support of lower density housing.

In response to a question from the Mayor, Mr. Fothergill advised that the 5 acre parcel is not conducive to large residences.

Paul Mallard explained that the RT 20 designation is the highest density and the City has never modified this to permit additional units.

Alderman Kiss felt that more public input is required. She suggested a traffic study be conducted and that studies required by the Ministry of the Environment regarding noise and vibration also be completed. She stated that the surrounding residents would like detached single family homes built on Block "B".

Alderman Merling advised that public meetings have been held on this rezoning and that there has been a great deal of communicating between parties.

Replying to a question from Alderman Charters, Roland Karl informed the Committee that street townhouses are not permitted as a practice.

Alderman Eisenberger said that a 10 percent increase in units would be acceptable. Alderman Merling concurred.

After lengthy discussion, the Committee moved to approve the recommendation of the Commissioner of Planning and Development dated 1992 July 15 as amended and recommended to Council as follows:

- A. That draft Hamilton Official Plan Amendment No. 99 respecting 45 Rifle Range Road be revised by redesignating the subject lands on Schedule "A" - Land Use Concept of the Official Plan from "Industrial" to "Major Institutional" and "Residential", and by removing the subject lands from Special Policy Area 11 on Schedule "B" -Special Policy Areas, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to a further amended Zoning Application 90-40, Patran Holdings Limited, owner, for changes in zoning from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District, modified (Block "1") to permit a secondary school (St. Mary's) with an accessory day nursery, and to "RT-20" (Townhouse - Maisonette) District, modified (Block "2") to permit 95 townhouse dwellings, on property located at 45 Rifle Range Road, as shown on the attached map marked as Appendix "F", on the following basis:
 - (a) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "C" (Urban Protected Residential, etc.) District;
 - (b) That Block "2" be rezoned from "M-14" (Prestige Industrial) District to "RT-20" (Townhouse - Maisonette) District;
 - (c) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block

"1", be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 9(2) of By-law No. 6593, no building shall exceed two stories, and no structure shall exceed 14.5 m in height;
- (ii) That notwithstanding Section 9(3) of By-law No. 6593, the following yards shall be provided and maintained;
 - 1. a front yard of a depth of not less than 9.0 m on Whitney Avenue;
 - 2. side yards of a width of not less than 9.0 m except that the northerly side yard shall have:
 - 2.1 a width of not less than 11.40 m for the two storey principal building; and,
 - 2.2 a width of not less than 20.0 m for any portable classroom buildings.
- (d) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 10E(7)(a)(i) of Zoning By-law No. 6593 a maximum of 95 townhouse dwelling units shall be permitted.
- (e) That the amending By-laws be added to Section 19B of Zoning By-law No. 6593 as Schedules S-1228 and S-1277, and that the subject lands on Zoning District Maps W-46 & W-47 be notated S-1228 and S-1277;
- (f) That the City Solicitor be directed to prepare separate By-laws for Blocks "1" and "2", to amend Zoning By-law No. 6593 and Zoning District Maps W-46 & W-47 for presentation to City Council;
- (g) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 99 by the Regional Municipality of Hamilton-Wentworth; and,
- (h) That the Ainslie Wood Neighbourhood Plan be amended by redesignating Block "1" from "Industrial" to "Civic and Institutional" and Block "2" from "Industrial" to "Attached Housing".
- C. That By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding Block "1" to Schedule "A".
- D. That final Site Plan Approvals for Blocks "1" and "2" be withheld until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed.

*Alderman Kiss opposed to Subsections b, d and e

(Cont'd)

8.

ZA-92-22, Rolando Pineda Estrabillo, owner, for a change in zoning from "AA" to "C" District regulations for Block "2", for lands located at No. 860 Upper Wentworth Street; Bruleville Neighbourhood

Next page
↓

Mr. Estrabillo was present.

The item was tabled to allow the owner to resolve neighbours concerns.

12. OTHER BUSINESS

12.1 **Ontario Municipal Board Hearings - Staff Representation**

Upon the advice of Paul Mallard, the Committee moved to recommend the following to Council:

That appropriate staff - Building, Law, Planning and Traffic Departments be authorized to represent the City, as required, at Ontario Municipal Board Hearings where an appeal is filed against a decision of the Committee of Adjustment to deny an application for residential conversion and where staff did not support the application.

12.2 **Ward Meeting - 71 Janet Court**

The Committee moved to authorize the ward aldermen to hold a meeting with regard to 71 Janet Court.

13. CONFIDENTIAL AGENDA

The Committee recessed in closed session to review a property matter and reconvened immediately thereafter with no report.

14. ADJOURNMENT

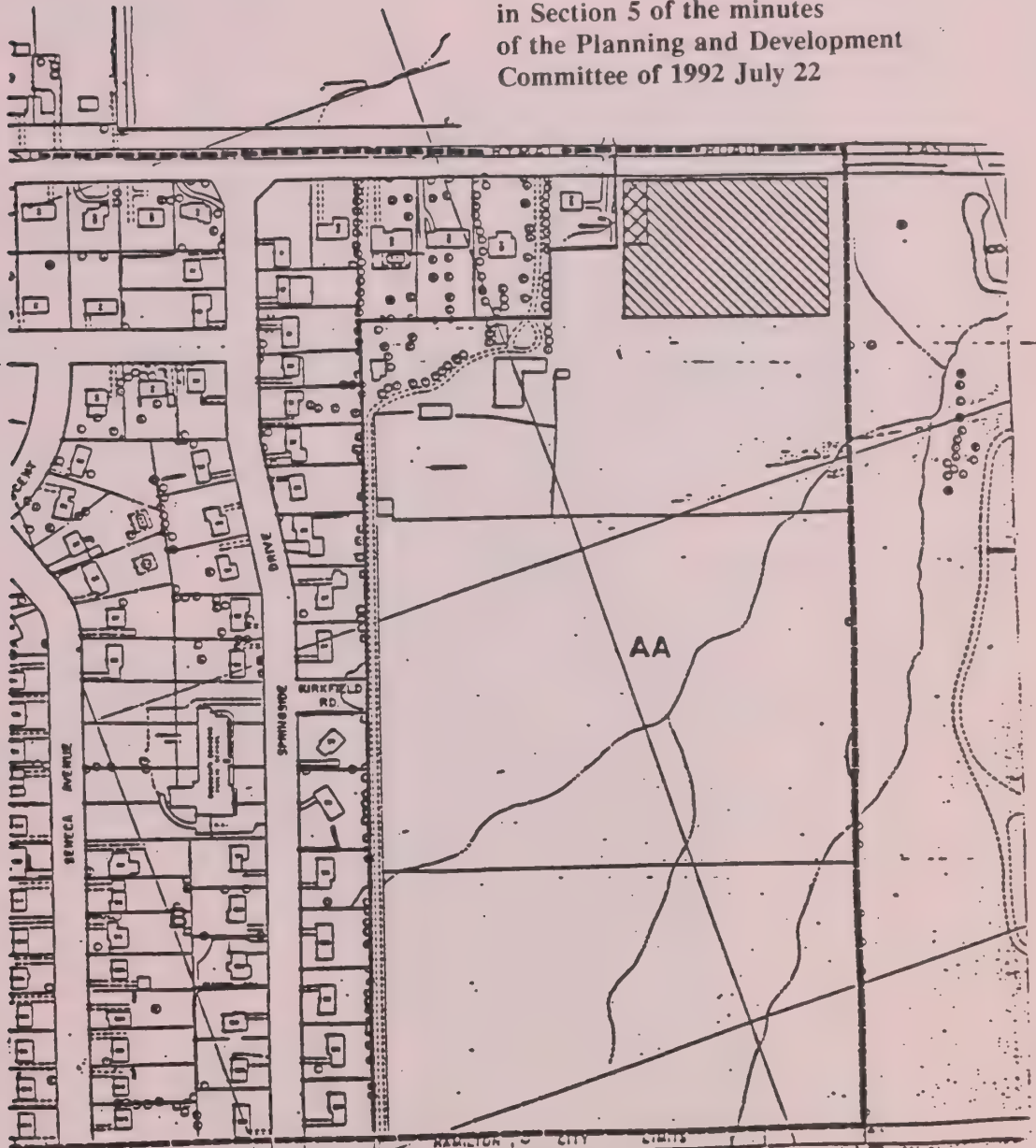
There being no further business, the Committee meeting adjourned.

Taken as read and approved,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE



Tina Agnello
Secretary
1992 July 22

Appendix "A" referred to
in Section 5 of the minutes
of the Planning and Development
Committee of 1992 July 22



Legend

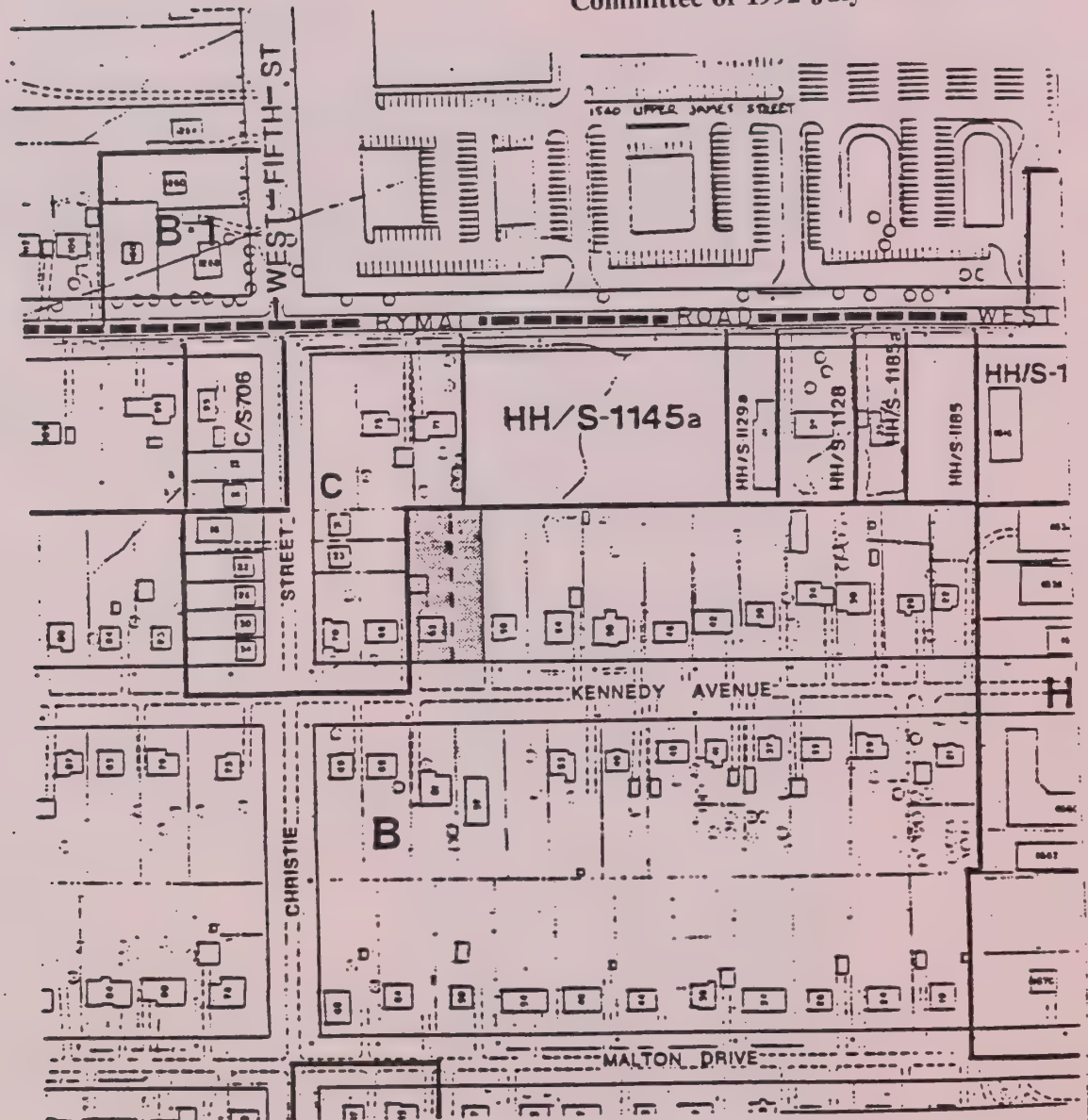
Proposed change in zoning from "AA" (Agricultural) District to:

- | | | |
|---------|---|---|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc) District |
| BLOCK 2 |  | "DE-3" (Multiple Dwellings) District |

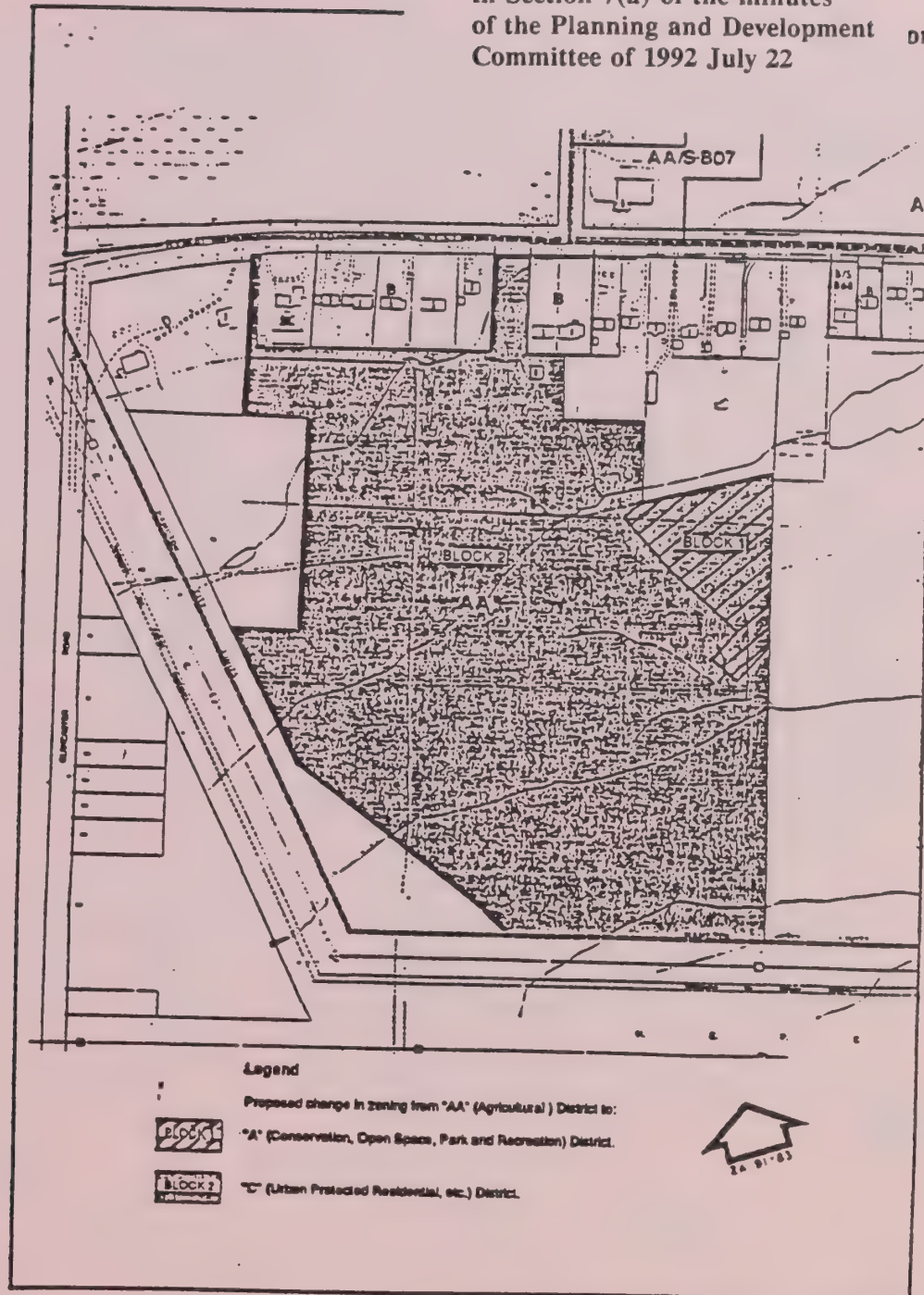


ZA-91-78

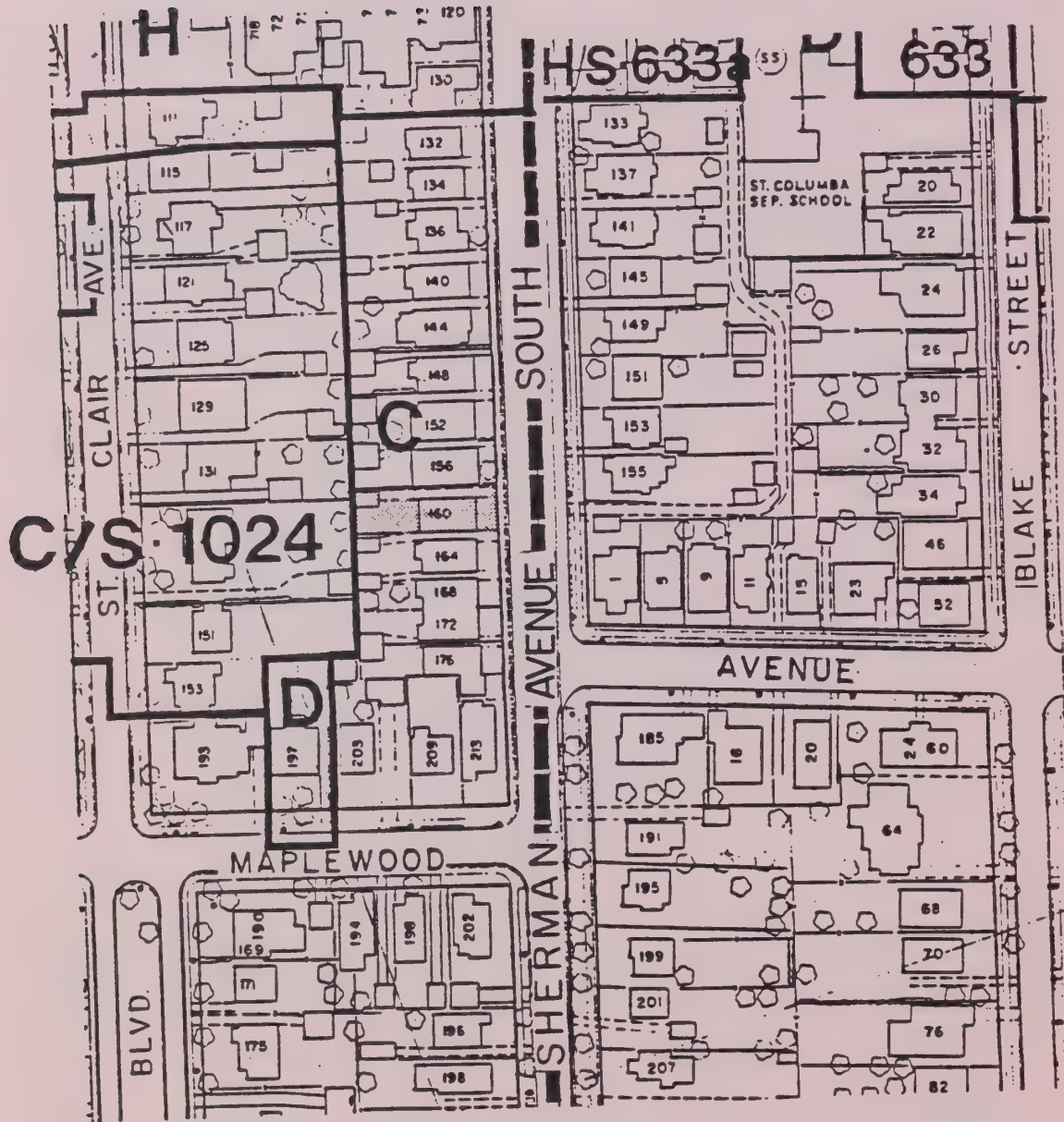
Appendix "B" referred to
in Section 6 of the minutes
of the Planning and Development
Committee of 1992 July 22



Appendix "C" referred to
in Section 7(a) of the minutes
of the Planning and Development
Committee of 1992 July 22



Appendix "D" referred to
in Section 9 of the minutes
of the Planning and Development
Committee of 1992 July 22



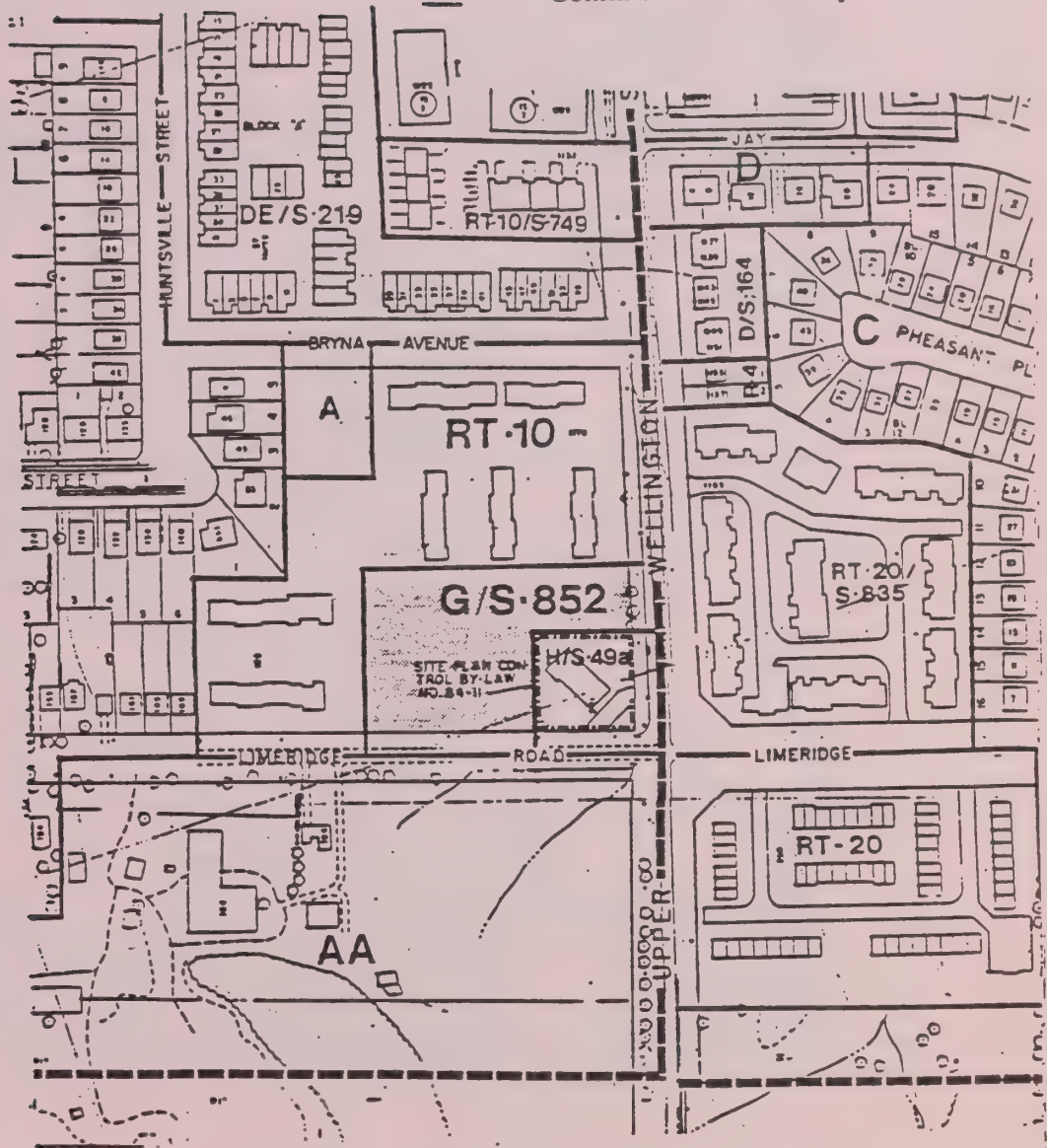
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Site of the Application

2A-62-11

Appendix "E" referred to
in Section 10 of the minutes
of the Planning and Development
Committee of 1992 July 22



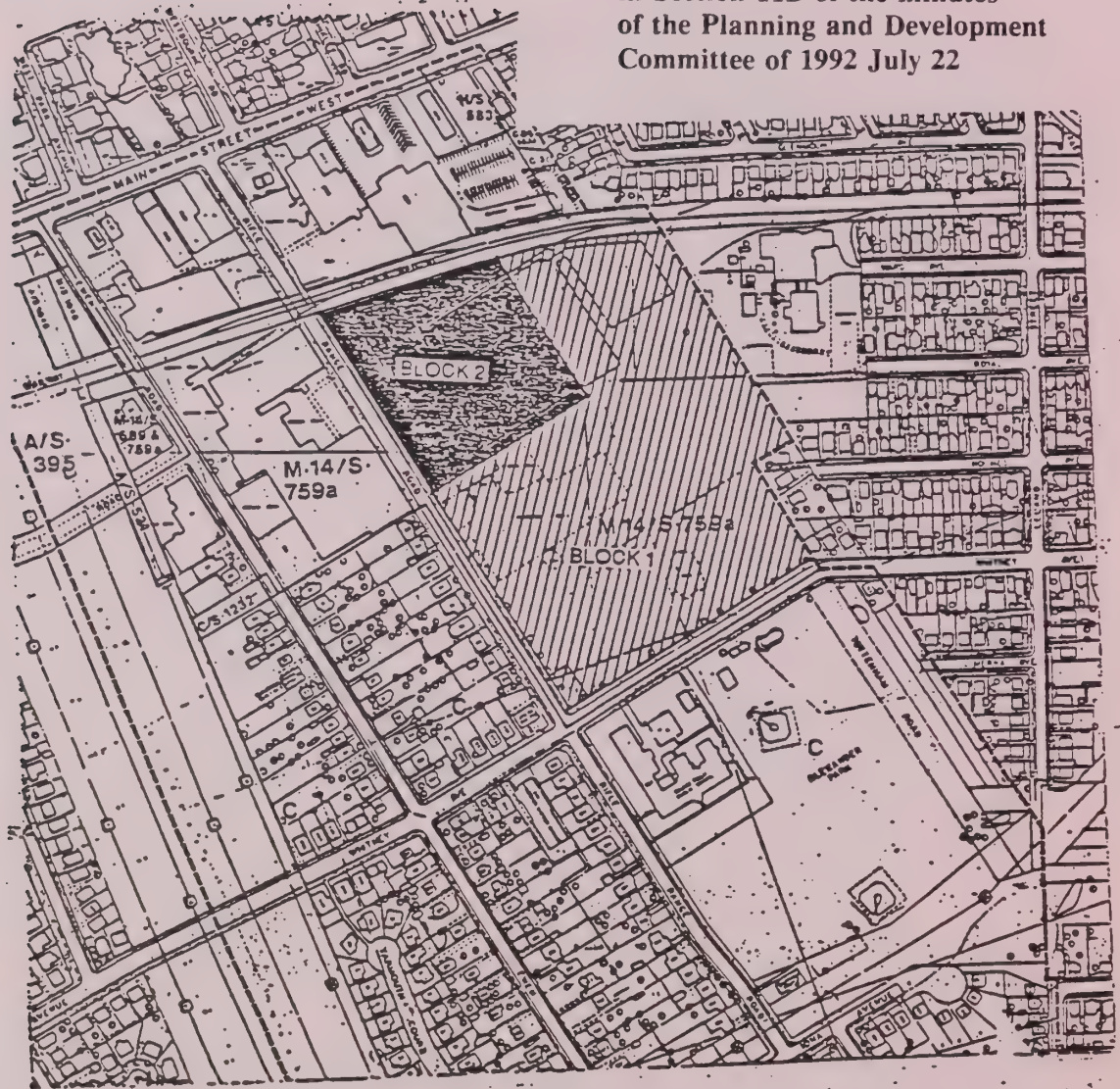
Legend



Site of the Application



Appendix "F" referred to
in Section 11B of the minutes
of the Planning and Development
Committee of 1992 July 22



Legend

Proposed change in zoning from "M-14" (Prestige Industrial) District, modified to:

- | | | |
|---------|---|--|
| BLOCK 1 |  | "C" (Urban Protected Residential, etc) District, modified, |
| BLOCK 2 |  | "RT-20" (Townhouse-Maisonette) District, modified. |



A.b)

Wednesday, 1992 July 22
7:30 p.m. O'Clock
City Clerk's Foyer, 2nd Floor
City Hall

The Planning and Development Committee met in Special Session.

There were present: Alderman D. Drury, Chairperson
Alderman F. Eisenberger, Vice-Chairperson
Alderman M. Kiss
Alderman D. Wilson
Alderman B. Charters

Regrets: Mayor R. Morrow
Alderman W. McCulloch
Alderman H. Merling
Alderman F. D'Amico

Also present: Alderman G. Copps
Alderman D. Agostino
V. Abraham, Director of Local Planning
K. Extance, Planning Department
V. Grupe, Planning Department
K. Brenner, Transportation/Environmental Services
C. Firth-Eagland, Public Works Department
Sgt. G. Wylie, Regional Police
A. Stacey, Conservation Authority
M. Gagnon, Beach Sub-Committee
R. Wheeler
T. Agnello, Secretary

1. COMMISSIONER OF PLANNING AND DEVELOPMENT

Hamilton Beach Neighbourhood Plan

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 July 14.

Vanessa Grupe gave a presentation on the Beach Neighbourhood Plan. She explained that the plan illustrates types of densities for residential, commercial and open space areas. Previously, beach properties were purchased with the intention of creating a park but this practice has since been terminated.

The Hamilton Beach Concept plan was developed in 1987 and adopted by City Council. An Advisory Committee comprised of citizens, politicians and staff was established. This Committee helped to develop a draft plan which was open to a public meeting process which encouraged submissions from the public.

Ms. Grupe continued by detailing designated areas in the plan including residential, commercial, greenspace and institutional. The largest issue to be discussed is the proposed Breezeway.

With regard to the Official Plan, Ms. Grupe advised that Official Plan Amendment No. 62 was passed in 1988 and now a further amendment is required.

She summarized by stating that the neighbourhood plan reorganizes the residential character of the area while at the same time provides for open areas and accessibility to the beach.

Bill Janssen reviewed the Breezeway proposal. He advised that concerns have been mainly regarding design, safety, parking and sensitivity to the environment.

The proposed Breezeway will be a link in the waterfront network from Oshawa to Burlington. It was approved by Council in a concept plan in 1987.

With regard to parking, Mr. Janssen explained that a few homes may be purchased for parking on the southerly most section. This will be done on a willing seller/buyer basis. A process for disposing of excess lands is to be developed.

Mr. Anderson of 267 Beach Boulevard was concerned that the breezeway would be constructed of cement. He felt people should walk on the sand.

Another neighbourhood resident was concerned about breezeway maintenance. He also suggested that the population, which may double at capacity, will increase school bus traffic. He said a school may be required.

Mary Pacey of 617 Beach Boulevard was present in support of the breezeway with the input of the beach residents at every progression of the plan.

Bob Jagger of 650 Beach Boulevard stated that the beach belongs to everyone but some roads have been blocked off. He said that certain tracts of lands have been purchased by one family and questioned the motive for this.

Jim Hawlett of 1 Sienna Lane and Chairperson of the Beach Preservation Committee was present. He stated that the Committee looks forward to a natural interpretive trail with thoughtful development.

Alderman Copps spoke as a member of the disabled sub-committee. She stated that people with disabilities have the same rights as all people. The Parks Department has been very receptive to environmental and disabled issues. She suggested the Breezeway be non-intensive to the residents.

Michael Gagnon, President of the Preservation Committee, has been involved with Beach plans since 1978. He is in favour of a pedestrian link which he believes should be natural and accessible to the disabled. The City of Hamilton should be responsible for maintaining it. He suggested that the bicycle path be scheduled in conjunction with sewer replacement.

Sid Britain of Siena Lane stated that many residents of the beach area welcome people onto the beach. He advised that the City has placed blockades on certain streets to prohibit vehicles onto the beach.

Ms. Mitchell, landlady of 1049 Beach Boulevard, was in support of a natural breezeway.

Mr. Al Stacey of the Conservation Authority was present in support of the Breezeway. He suggested that the path be multiple use including a bicycle path.

Chris Murray of 6 Lakeside Avenue stated that the Breezeway should be built, managed and maintained by the City of Hamilton Parks Department.

Alice Selby of 508 Beach Boulevard stated that the beach should be accessible to all. She suggested that access for emergency vehicles be incorporated into the plan.

Karen Massignani of 28 Barnesdale Avenue South stated that a bikeway path should be incorporated into the breezeway and kept off the street for safety reasons.

Reg Wheeler suggested that new meetings should be held at the beach neighbourhood. He does not want the breezeway to be made of cement.

Abe Zvonkin of 599 Beach Boulevard was concerned about how the breezeway would be paid for and at what cost.

Alderman Eisenberger advised that 2 students have been hired for summer clean up on the beach. He felt strongly that a natural pathway should be developed in conjunction with an interpretive center. He stated that pedestrians and bicycles do not mix and that a bike path should be incorporated into the existing roadway.

Upon the suggestion of Alderman Eisenberger, the Committee moved to amend the recommendation by adding as follows:

- (e) That the Parks Department of the City of Hamilton be the Manager and Developer of a natural pedestrian walkway in conjunction with the Hamilton Beach Preservation Committee and local residents; and,
- (f) That the walkway exist primarily on the former beach railway line and that the bicycle path be incorporated into the existing Beach Boulevard.

*Alderman Charters opposed to Subsection "f".

Alderman Agostino explained that through extensive community participation, the density of this project has been scaled back. He stated that accessibility to this natural resource is essential. Overdevelopment should not occur; beach residents should not be disrupted. As such, the bicycle path belongs on the street.

Abe Zvonkin asked about the Hydro Right of Way.

Alderman Kiss stated that the natural features of the beach must be preserved and that the residents should not be disrupted.

Alderman Wilson supports the recommendation as amended. He cannot support a bicycle path on the breezeway.

After lengthy discussion, the Committee approved the recommendation of the Commissioner of Planning and Development dated 1992 July 14 as amended and forwarded the following to Council for consideration:

- (a) That the City Solicitor be requested to repeal City of Hamilton By-law No. 88-275, (By-Law of Adoption for Hamilton O.P.A. No. 62);
- (b) That approval be given to Official Plan Amendment No. 113, to incorporate changes to Schedule "A" - Land Use Concept of the Official Plan, and to Special Policy Area 10 on Schedule "B" - Special Policy Areas, to implement the Hamilton Beach Neighbourhood Plan, and that the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth;
- (c) That the proposed Hamilton Beach Neighbourhood Plan be adopted by Council; and,
- (d) That the Province of Ontario be requested to direct back the proceeds from the sale of surplus publicly-owned lands in the Beach Neighbourhood, to help fund open space improvements in the Beach area.

- (e) That the Parks Department of the City of Hamilton be the Manager and Developer of a natural pedestrian walkway in conjunction with the Hamilton Beach Preservation Committee and local residents.
- (f) That the walkway exist primarily on the former beach railway line and that the bicycle path be incorporated into the existing Beach Boulevard.

2. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRPERSON
PLANNING AND DEVELOPMENT COMMITTEE

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

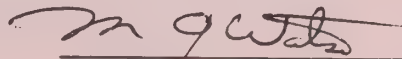
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: D. W. Vyce
Director of Property

SUBJECT: Release of Construction Covenants
Cayuga Materials and Construction Co. Limited
Part Lot 11, Plan M-352
Hamilton Industrial Park No. 3
Property known as 1680 Upper Ottawa Street
Covenants as set out under Instrument Numbers
195566 L.T and 195567 L.T.

RECOMMENDATION:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 1680 Upper Ottawa Street, Hamilton from the construction covenants to the City as contained in Instrument Numbers 195566 L.T. and 195567 L.T., registered on March 3, 1987.



D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 20 of the 2nd Report of the Planning and Development Committee, City Council on January 27, 1987 approved the sale of Part Lot 11, Plan M-352, Hamilton Industrial Park No. 3, known as 1680 Upper Ottawa Street to Cayuga Materials and Construction Co. Limited. This transaction was closed on March 3, 1987.

Under the terms of the covenants set out in Instrument Numbers 195566 L.T. and 195567 L.T., the purchaser was to commence construction of an asphalt hot-mix plant by September 3, 1987 and have this plant completed by September 3, 1988. The proposed plant has been completed as required under the covenants.

11 August 1992
Planning and Development Committee
Page 2

This department supports the request of the owner that The City of Hamilton release the construction covenants contained in Instrument Numbers 195566 L.T. and 195567 L.T. in order to clear the title.

DC/nw

c.c. P. Noé Johnson, City Solicitor
Attention: E. Isajiw

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

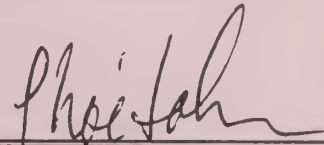
REPORT TO: Tina Agnello, Secretary
Planning & Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Proposed Expropriation of 386 Birch Avenue
(55-80/91.11)

RECOMMENDATION:

That the attached draft Expropriation By-law to expropriate, for municipal purposes, vacant land described as Part of Lots 11 and 12, Registered Plan 547, designated as Part 5; Part of Lot 12, Registered Plan 547, designated as Part 2; and Part of Reserve, Registered Plan 547, designated as Part 4; all on Plan 62R-10273, be enacted by Council.



P. Noé Johnson, City Solicitor

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of this expropriation is being negotiated; there are sufficient funds in Account No. CF 5590 308750001 for the completion of this matter.

BACKGROUND:

As authorized by Council at its meeting of June 27, 1989, Notice of the City's intention to expropriate this vacant land has been advertised and served upon all parties having an interest in this land and no request for an Inquiry Hearing into the proposed expropriation has been received.

The next step in this expropriation under The Expropriations Act is for Council to enact the attached draft Expropriation By-law which will authorize the registration of the City's Expropriation Plan. This land is part of the Alpha Enclave expropriation project. When this matter was started in 1989, an agreement to purchase the lands was made with one of the parties who has a right to compensation. Thus, it was thought that the

expropriation would not be necessary. However, it was later discovered that the Public Trustee for the Province of Ontario considered the land to have vested in the Province because the corporation which formerly owned it had been dissolved due to unpaid business taxes. This situation, along with several other very serious title problems, made the sale impossible and expropriation difficult at the time. Further negotiation was necessary and has now been accomplished. It is now appropriate to complete the expropriation of parties who can be dealt with in this way; the matter is expected to be settled with the Province in an alternate but equally satisfactory manner.

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 92-

TO EXPROPRIATE LANDS THAT DO NOT CONFORM
WITH BY-LAWS PASSED UNDER SECTION 34 OF
THE PLANNING ACT, S.O. 1983, CHAPTER 1

WHEREAS Section 34 , subsection (8) of The Planning Act, S.O. 1983, Chapter 1 provides that a municipality may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under Section 34 of The Planning Act;

AND WHEREAS the lands, buildings or structures described and included in the lands described in Schedule "A" are used or erected for a purpose that does not conform with by-laws passed under Section 34 of The Planning Act;

AND WHEREAS Section 193 of The Municipal Act, R.S.O. 1980, Chapter 302 states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purpose of the Corporation;

AND WHEREAS on June 27, 1989, The Corporation of the City of Hamilton, as an expropriating authority, pursuant to The Expropriations Act, R.S.O. 1980, Chapter 148 did authorize an application to the Council of The Corporation of the City of Hamilton, as approving authority, for approval of the expropriation pursuant to said Section 34, subsection (8), of the lands set out in Schedule "A";

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served in accordance with The Expropriations Act;

AND WHEREAS The Corporation of the City of Hamilton, as expropriating authority, did publish Notice of the said application in The Spectator, a newspaper having general circulation in the City of Hamilton in accordance with the said Expropriations Act;

AND WHEREAS an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was not requested; pursuant to the said Expropriations Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. As approving authority under The Expropriations Act, the Council of The Corporation of the City of Hamilton hereby approves the said application to expropriate the lands described in Schedule "A".
2. As expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates the lands described in Schedule "A" to acquire the said non conforming lands pursuant to Section 34(8) of the Planning Act, S.O. 1983, Chapter 1.

3. That the City Clerk and the proper officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this by-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the lands herein expropriated.

PASSED this day of , A.D. 1992.

ROBERT M. MORROW - Mayor

J. J. SCHATZ - City Clerk

SCHEDULE "A"

Part of Lots 11 and 12, Registered Plan 547, designated as Part 5;
Part of Lot 12, Registered Plan 547, designated as Part 2; and
Part of Reserve, Registered Plan 547, designated as Part 4;
All on Plan 62R-10273, City of Hamilton, Regional Municipality of Hamilton-
Wentworth

(File 55-80/91.11, Item No.____,

Committee,____-92_,Council 92.)

CITY OF HAMILTON
-RECOMMENDATION-

D

DATE: 1992 AUGUST 7
S703-77 M.J. Inrig

TO: T. Agnello, Secretary
Planning and Development Committee

FROM: E. M. Gill, P. Eng.
Senior Director
Roads Department

RECEIVED

AUG 13 1992

CITY CLERKS

**SUBJECT: Claudette Gardens - Phase 1, Hamilton
(Cash in lieu of 5% Parkland Dedication)**

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$40,180.00 as cash payment in lieu of the 5% land dedication in connection with Claudette Gardens - Phase 1, Hamilton, this being the cash payment required under Section 50 of the Planning Act.

The lands of Claudette Gardens - Phase 1 are located on the west side of Garth Street north of Rymal Road West in the Falkirk East Planning Neighbourhood.

E. M. Gill

E. M. Gill, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial costs to the City of Hamilton associated with this Report.

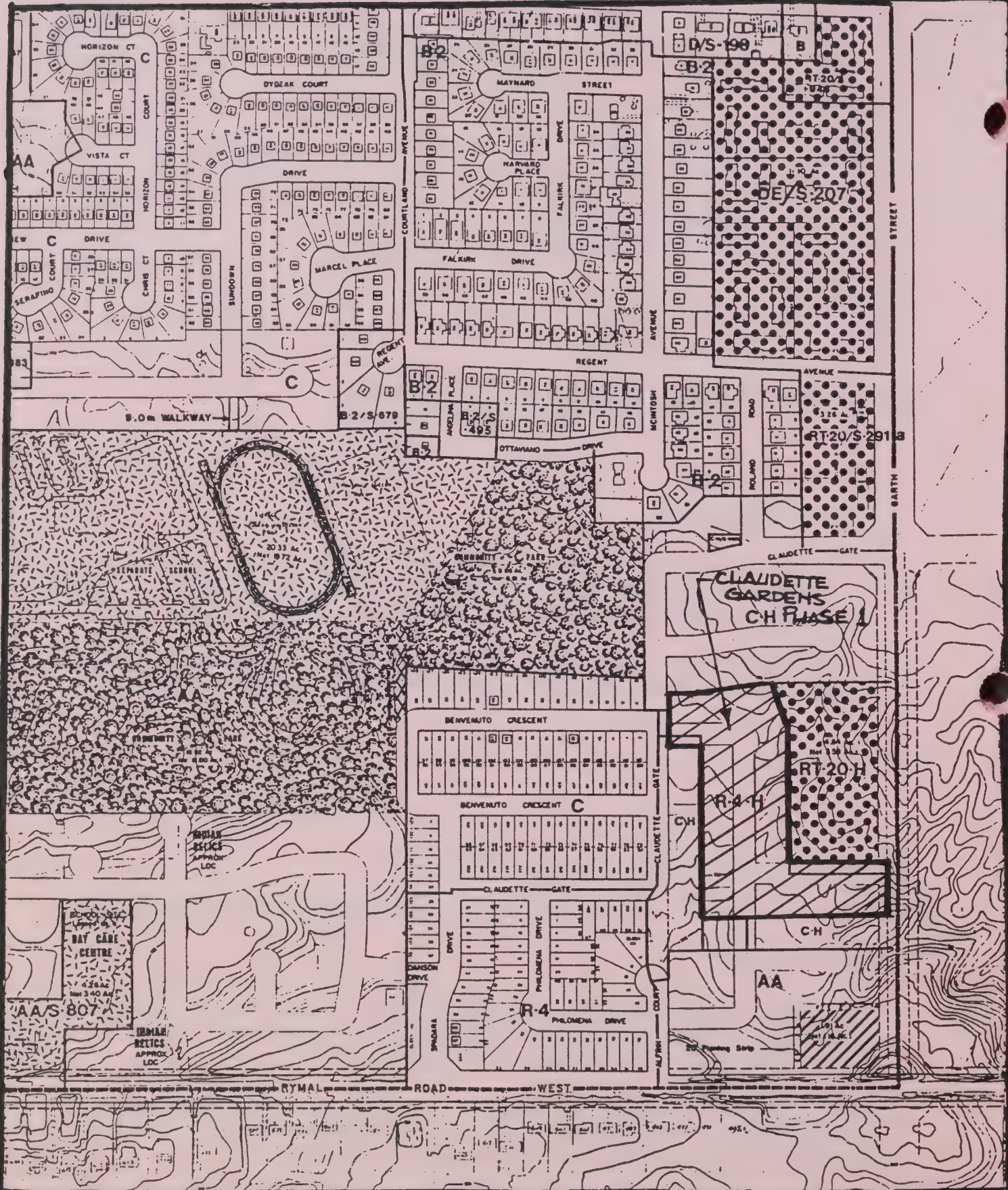
BACKGROUND:

The Owner of Claudette Gardens - Phase 1 (Adisco Limited) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of subdivision has been attached for your information.

In accordance with normal City policy, City and Regional Staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the City's Subdivision Agreement is \$40,180.00.

MJI MJI:js
attach.

cc: D. Cobb, City Treasury Department
cc: R. Buckle, City Property Department



KEY PLAN

NTS

APPROVED PLAN

FALKIRK EAST



Ea.)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

JUL 30 1992

CITY CLERKS

DATE: 1992 July 30

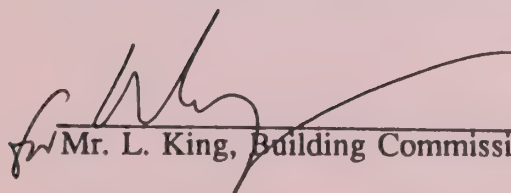
REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King P. Eng.
Building Commissioner

SUBJECT: Hamilton Emergency Loan Programme

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P) in the amount of seven hundred and forty six (\$746.) be approved for Helen Meldrum, 153 Bell Avenue, Hamilton. The interest rate will be 8 percent amortized over 5 years.



Mr. L. King, Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.

Hamilton Emergency Loan Programme
Ms. Helen Meldrum
continued...

Page 2

The Building Department, Loans Division, recently finalized an Emergency Loan for Ms. Helen Meldrum, 153 Bell Avenue in the amount of \$746. The roofing problem has been addressed, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$746. at 8% interest amortized over (5) years.

c.c. R. Camani, Treasury Department
c.c. D. Powers, Law Department

E6)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 14 1992

CITY CLERKS

DATE: 1991 August 14

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: DESIGNATED PROPERTY GRANTS

RECOMMENDATION:

That the Mayor be authorized and directed to express to the Minister of Culture and Communications the concerns of the City of Hamilton about recent changes in the Designated Property Grant Programme approval process. The programme is highly valued in the Heritage Community. Previously, grant commitments were made by the municipality as soon as applications were completed. Now, applications must wait through the summer for late September approval by the Ministry, thus jeopardizing this normally seasonal exterior work. Also, funding levels have dropped.


Mr. L. King, Building Commissioner

JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Building Department, Loans Division, was recently advised by the Province of Ontario that the approval procedures for the Designated Property Grant Programme were being substantially amended. The reason for the change was to allow the Province better control of their cash flow and to ensure there were sufficient funds to meet Municipal commitments. Previously, the Municipality would "front end" the costs, and providing the Provincial Guidelines were met the Municipality would be reimbursed for money advance. The Province, however, now wants City Council approval along with the application before they will make any commitment to funding. They have agreed to honour all Municipal commitments prior to June 30.

During the period from June 30 to August 31, all approved applications must be sent to the Ministry of Culture and Communications for approval. The Ministry will notify the municipality, in writing, by September 30 of the funding approval. They will not make any additional funding

commitments this year after August 31. It should be noted that we did not receive this information until July 9, 1992 and only after we had inquired on another funding issue.

The end result of the new Provincial Guidelines will greatly curtail Programme take-up, as well as create delivery problems in relation to owners of heritage properties. It will be impossible for us to ensure availability of funding, nor will we will be able to provide any assurance that prices obtained will still be valid when all the approvals are obtained. The loan approval process will now take several extra months, especially if the initial application includes the request to Designate. In fact, if this is the case, the process will take over a year.

At this time there appears that no action can be taken to counteract the Provincial decision, but we will be making a recommendation to the Province on how this problem can be addressed during the next fiscal year.

Ecdi)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme -
233 and 235 Locke Street North

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of three thousand dollars (\$3000.) for Mr. Kopriva, owner of 233-235 Locke Street North.


Mr. L. King, Building Commissioner

JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communication recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which application will be funded for the balance of the fiscal year.

Ecdii)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme -
256-258 MacNab Street North, Hamilton

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of one thousand, one hundred and fifty dollars (\$1,150) for Ms. H. Kirkpatrick and Mr. T. Baker, owners of 256-258 MacNab Street North.



Mr. L. King, Building Commissioner
JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which applications will be funded for the balance of the fiscal year.

Ec)iii)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme -
33 Undermount Avenue, Hamilton

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of one thousand, eight hundred and thirty five dollars (\$1,835.) for Mr. Stacy, owner of 33 Undermount Avenue.


Mr. L. King, Building Commissioner

JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communication recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which application will be funded for the for the balance of the fiscal year.

Ecd iv)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: *City of Hamilton Heritage Programme -
188 Markland Street, Hamilton*

CITY CLERKS

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of two thousand, four hundred and eight dollars (\$2,408.) for Mr. Masniak, owner of 188 Markland Street.

The Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. Masniak, owner of 188 Markland Street, in the amount of two thousand, four hundred and seven (\$2,407.) at 6% interest amortized over a ten year period.


Mr. L. King, Building Commissioner

JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which application will be funded for the balance of the fiscal year.

CITY OF HAMILTON
- RECOMMENDATION -

Ec>v)
RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello
Planning and Development Committee


FROM: Mr. L. King
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme
74 George Street, Hamilton

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owners to the Province of Ontario for a Designated Property Grant in the amount of three thousand dollars (\$3000.) for Mr. and Mrs. Rigby, owners of 74 George Street.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. and Mrs. Rigby, owners of 74 George Street, in the amount of three thousand, three hundred and twelve dollars (\$3,312.) at 6% interest amortized over a ten year period.



Mr. L. King, Building Commissioner
JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which applications will be funded for the balance of the fiscal year.

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CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

JUL 30 1992

DATE: 1992 July 17

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

CITY CLERKS

FROM: Mr. L. King, P.Eng.
Building Commissioner

SUBJECT: City of Hamilton Heritage Programme -
107 George Street, Hamilton

RECOMMENDATION:

That the Building Department, Loans Division, be directed to apply on behalf of the owner to the Province of Ontario for a Designated Property Grant in the amount of five hundred and forty-nine dollars (\$549.) for Mrs. Janet Snelgrove, owner of 107 George Street.

That the Building Department, Loans Division, be directed to process an increase in the Community Heritage Trust Fund Loan to Mrs. Janet Snelgrove, owner of 107 George Street, in the amount of five hundred and forty-eight dollars (\$548.) at 6% interest amortized over a ten year period. The total Community Trust Fund loan is now \$6,299.


Mr. L. King, Building Commissioner

JR/MG

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for their approval. In the past, the City could "front-end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which application will be funded for the balance of the fiscal year.

The financial terms of the Programme have not changed as they provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council in 1985. The owner of the designated property located at 107 George Street has applied under the Programme for the repointing and rebuilding of the front chimney.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Ron Lowe Enterprise's estimates.

The Loans Section of the Building Department recommends that a Designated Property Grant in the amount of \$549., and a Community Trust Fund loan in the amount of \$548. at 6 percent interest be approved. The monthly payments will be \$6.08 amortized over 10 years. The payments from the previous Heritage Trust Fund Loan will increase the total monthly payment to \$69.92.

The Loans Section of the Building Department therefore recommends a total Heritage Loan and Grant in the amount of \$2,097.

c.c. R. Camani, Treasury Department

CITY OF HAMILTON
- RECOMMENDATION -

E d v i i)
RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: Heritage Programme
988 Concession Street

RECOMMENDATION:

That the Building Department, Loans Division be directed to apply to the Province of Ontario on behalf of the owners Mr. and Mrs. J. Miller, 988 Concession Street, for a Designated Property Grant in the amount of \$6,000. for the years 1992 and 1993. Note, normally the maximum grant in any one year is \$3000. but the Province has agreed to commit two years of grant because of the nature of the work.

That the Building Department, Loans Division be directed to process a Heritage Trust Fund Loan to Mr. and Mrs. J. Miller, 988 Concession is the amount of \$15,000. at 6% interest amortized over 10 years.



Mr. L. King, Building Commissioner

JHR/dc

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Province of Ontario was contacted and requested to extend their funding for a two year period because the project was large in scope and could not be phased in over a number of years. The total restuccoing cost is \$23,540. of which \$6000. will be a Designated Property Grant and a \$15,000. loan under the Heritage Trust Fund Programme.

The Ministry of Culture and Communications recently changed the loan procedures for the Designated Property Grant Programme. The Province now requires that City Council approve the application and then forward the request to the Province for approval. In the past, the City could "front end" the costs and then submit claims for reimbursement. The Province is now saying that there is no guarantee of funding after June 30 of each year so all applications must be submitted by 1992 August 31. The Province of Ontario will then notify the Municipality which applications will be funded for the balance of the fiscal year.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.) has reviewed the work to be undertaken, as well as the estimates and are recommending the acceptance of C. Chewter & Sons in the amount of \$23,540.

The Building Department, therefore recommends that the Department apply to the Province for a Designated Property Grant in the amount of \$6000. and that a Heritage Trust Fund loan be approved for \$15,000. at 6% interest amortized over 10 years.

E c) viii)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 12 1992

CITY CLERKS

DATE: 1992 August 12

REPORT TO: Ms. Tina Agnello
Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

SUBJECT: *Heritage Programme*
221 Ferguson Avenue South

RECOMMENDATION:

That the Planning and Development Committee and City Council apply to the Province of Ontario for a Designated Property Grant for 221 Ferguson Avenue South on behalf of the owner, I. Dreimanis, in the amount of \$450.00.


Mr. L. King, Building Commissioner

JHR/dc
Attach.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The City's normal policy is not to fund any work under any housing programme which the owner has done prior to approval of the Planning and Development Committee and City Council. Ms. I. Dreimanis was aware of this policy as she has received funding under the Programme during 1990 and 1991.

The Committee has in the past made exceptions to the policy, where circumstances so merited. In this case, the work was done in this fiscal year and is acceptable to L.A.C.A.C., which makes it fully eligible for programme funding. Furthermore it was done under the auspices of an architect whose letter of explanation is attached.



John Mokrycke
Architect

H-73

117 Mountain Park Avenue
Hamilton, Ontario Canada L8A 1A1
(613) 389-6444 (phone/fax)

RECEIVED

AUG 12 1992

July 6, 1992

CITY CLERKS

Mr. John Gamble
Loans Officer
Loans Division
Department of Buildings
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: 221 Ferguson Avenue South
Heritage Funding Application

Dear Mr. Gamble:

The purpose of this letter is to provide you with information on the sequence of events surrounding the heritage funding application for the removal, repair and replacement of the stained glass windows at the above-noted address.

During interior renovations to this residence, the poor condition of the two stained glass windows was noted. At that time the individual sections of glass were held together with scotch tape.

In order to save considerable costs, the windows were removed, restored and replaced to coincide with the ongoing interior construction process. The trades that could remove, repair and reintegrate these windows were on site at that time, and this work was completed with no major adjustment to the project schedule.

Should this necessary work have been done after completion of interior renovations, the individual trades would have to have been recalled to the site. Finished interior conditions would have been disrupted in order to have the two windows removed and replaced. The costs to follow this procedure would have significantly exceeded the costs which were incurred during construction.

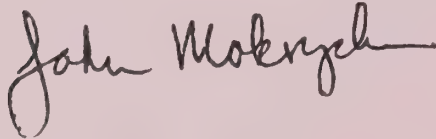
The work required to repair and restore these two very beautiful windows, was completed with expert skill and attention. LACAC staff were made aware of the poor condition of these windows before they were removed. They advised us as to the appropriate procedure for funding applications.

This procedure was adjusted by the owner and this office for reasons noted above.

We feel that this adjustment was undertaken in order to benefit all concerned participants, achieving a final condition that successfully meets the specifications for Heritage Restoration.

Thank you for your consideration of this matter.

Yours sincerely,

A handwritten signature in cursive script that reads "John Mokrych". The signature is fluid and extends to the right.

John Mokrycke, B. Arch., O.A.A

Windows removed approx. April 10/92

Windows replaced approx. May 04/92.

J.M.

CITY OF HAMILTON

- RECOMMENDATION -

Ed>i)
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AUG 12 1992

CITY CLERKS

DATE: August 12, 1992

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1143 Upper James Street - Tag Number 87158

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1143 Upper James Street.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick house, fair to good condition. It is the intention of the owner to demolish the S.F.D. to provide space for the Mountain Freeway. Lot size is 52' x 183'.

Ms. Tina Agnello

-2-

1143 Upper James Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Ed)ii)
RECEIVED

AUG 12 1992

CITY CLERKS

DATE: August 12, 1992


REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
480 Rymal Road West - Tag Number 87081

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 480 Rymal Road West.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C

PRESENT USE: S.F.D.

PROPOSED USE: New survey development

BRIEF DESCRIPTION 1 storey wood frame in poor condition. It is the intention of the owner to demolish the S.F.D. to provide space for the new subdivision development under By-Law 90-311. The area of the site is 21.09 acres.

Ms. Tina Agnello

-2-

480 Rymal Road West

The owner of the property as per the demolition permit application is:

Adisco Ltd.
161 Rebecca Street
HAMILTON, Ontario
L8R 1B9

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

E d) iii)
RECEIVED

AUG 12 1992

- RECOMMENDATION -

CITY CLERKS

DATE: August 12, 1992

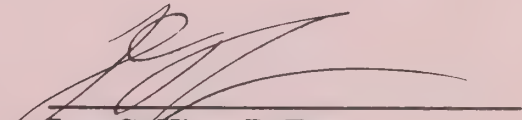
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1158 Garth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1158 Garth Street.



Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick and siding house in good condition. It is the intention of the owner to demolish the existing S.F.D. to provide room for the Mountain Freeway. Lot size is 75' x 290.94'.

Ms. Tina Agnello

-2-

1158 Garth Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Ed)iv)
RECEIVED

AUG 12 1992

CITY CLERKS

DATE: August 12, 1992


REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1176 Garth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1176 Garth Street.



Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick frame house in good condition. It is the intention of the owner to demolish the S.F.D. to provide space for the Mountain Freeway. Lot size 75' x 290.94'.

Continued on page 2

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

Edw)

RECEIVED

- RECOMMENDATION -

AUG 12 1992

CITY CLERKS

DATE: August 12, 1992


REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1112 Upper Wentworth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1112 Upper Wentworth Street.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey wood frame house in good condition. The owner requests to demolish the existing S.F.D. to make room for the proposed Mountain Freeway. Lot size is 357' x 731.84'.

Ms. Tina Agnello

-2-

1112 Upper Wentworth Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

RECEIVED Ed)vi)

AUG 12 1992

- RECOMMENDATION -

CITY CLERKS

DATE: August 12, 1992


REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1117 Upper Wentworth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1117 Upper Wentworth Street.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: It is the intention of the Region to demolish the existing single family dwelling for the proposed freeway. Lot size 60' x 399.71'.

Continued on page 2

Ms. Tina Agnello

-2-

1117 Upper Wentworth Street

The owner of the property as per the demolition permit application is:

**Regional Municipality of Hamilton - Wentworth
Real Estate Division
Property Department
Attention: Dominic Consoli
546-2738**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Ed) vii)
RECEIVED

AUG 12 1992

CITY CLERKS

DATE: August 12, 1992


REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1118 Upper Wentworth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1118 Upper Wentworth Street.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey wood frame house, fair condition. It is the intention of the owner to demolish the existing S.F.D. to provide room for the Mountain Freeway. Lot size is 60' x 666.39'.

Ms. Tina Agnello

-2-

1118 Upper Wentworth Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Ed) vii)
RECEIVED
AUG 12 1992
CITY CLERKS

DATE: August 12, 1992

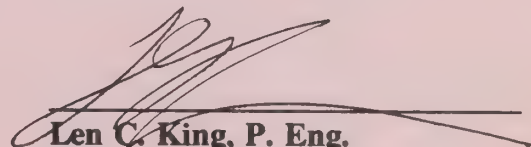
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1128 Upper Wentworth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1128 Upper Wentworth Street.


Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: One storey brick house in fair to good condition. The owner requests to demolish the existing S.F.D. to make room for the proposed Mountain Freeway. Lot size is 128' x 694.86'.

Ms. Tina Agnello

-2-

1128 Upper Wentworth Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON

- RECOMMENDATION -

Ed) ix)
RECEIVED

AUG 12 1992

CITY CLERKS

DATE: August 12, 1992

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1129 Upper Wentworth Street

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1129 Upper Wentworth Street.



Len C. King, P. Eng.
EB/ii

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: AA

PRESENT USE: S.F.D.

PROPOSED USE: Mountain Freeway

BRIEF DESCRIPTION: 1½ storey brick and frame house in good condition. It is the intention of the owner to demolish the S.F.D. to provide space for the Mountain Freeway. Lot size is 118' x 228'.

Continued on page 2

Ms. Tina Agnello

-2-

1129 Upper Wentworth Street

The owner of the property as per the demolition permit application is:

**City of Hamilton
Real Estate Department
71 Main Street West
HAMILTON, Ontario
L8N 3T4**

c.c. 92.2.4.2.1.A

CITY OF HAMILTON
- RECOMMENDATION -

Fa)
RECEIVED

AUG 11 1992

CITY CLERKS

DATE: August 11, 1992
ZA-91-77 (DA-89-02)
Rymal Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 55 Lancing Drive.

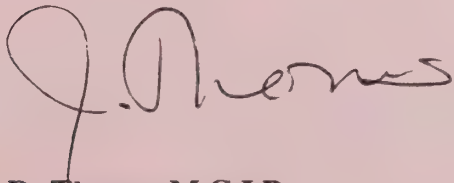
RECOMMENDATION:

That Item 17 of the Fourth Report for 1992 of the Planning and Development Committee approved by City Council on 1992 February 25th, respecting Zoning Application ZA-91-77 for the property at 55 Lancing Drive, as shown on the attached map marked as APPENDIX "A", be amended as follows:

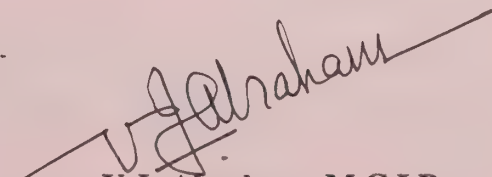
- i) That clause (B) be deleted and replaced with the following new clause:
- (B) That the amending By-law not be forwarded for passage by City Council until the applicant has completed the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.

EXPLANATORY NOTE:

The purpose of the amendment is to delete the requirement of "Cash-in-Lieu" of parking, as parking is to be provided in accordance with By-law requirements.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Zoning Application 91-77, 55 Lancing Drive

Zoning Application 91-77, for a modification to the established "M-14" (Prestige Industrial) District regulations to permit an auto repair garage including autobody fender repair and painting within the existing building, was approved by City Council at its meeting of February 25, 1992.

The approval was subject to the shortfall in the required parking from forty-eight(48) to thirty-eight(38) spaces being finalized through the "Cash-in-Lieu of Parking Policy", and completion of the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.

However, during the finalization of the shortfall in parking issue, the applicant advised the Building Department that the size of the proposed occupancy had changed from what they had originally anticipated (see APPENDIX "B").

COMMENT RECEIVED:

- The Building Department has reviewed the proposed uses and has indicated the following:

"This Department is satisfied that the thirty-eight(38) car parking spaces provided for under Site Plan DA-89-02 is sufficient for the uses proposed in the most recent fax letter dated July 29, 1992 from Mr. Raoul Berneshawi (see APPENDIX "B")."

COMMENT:

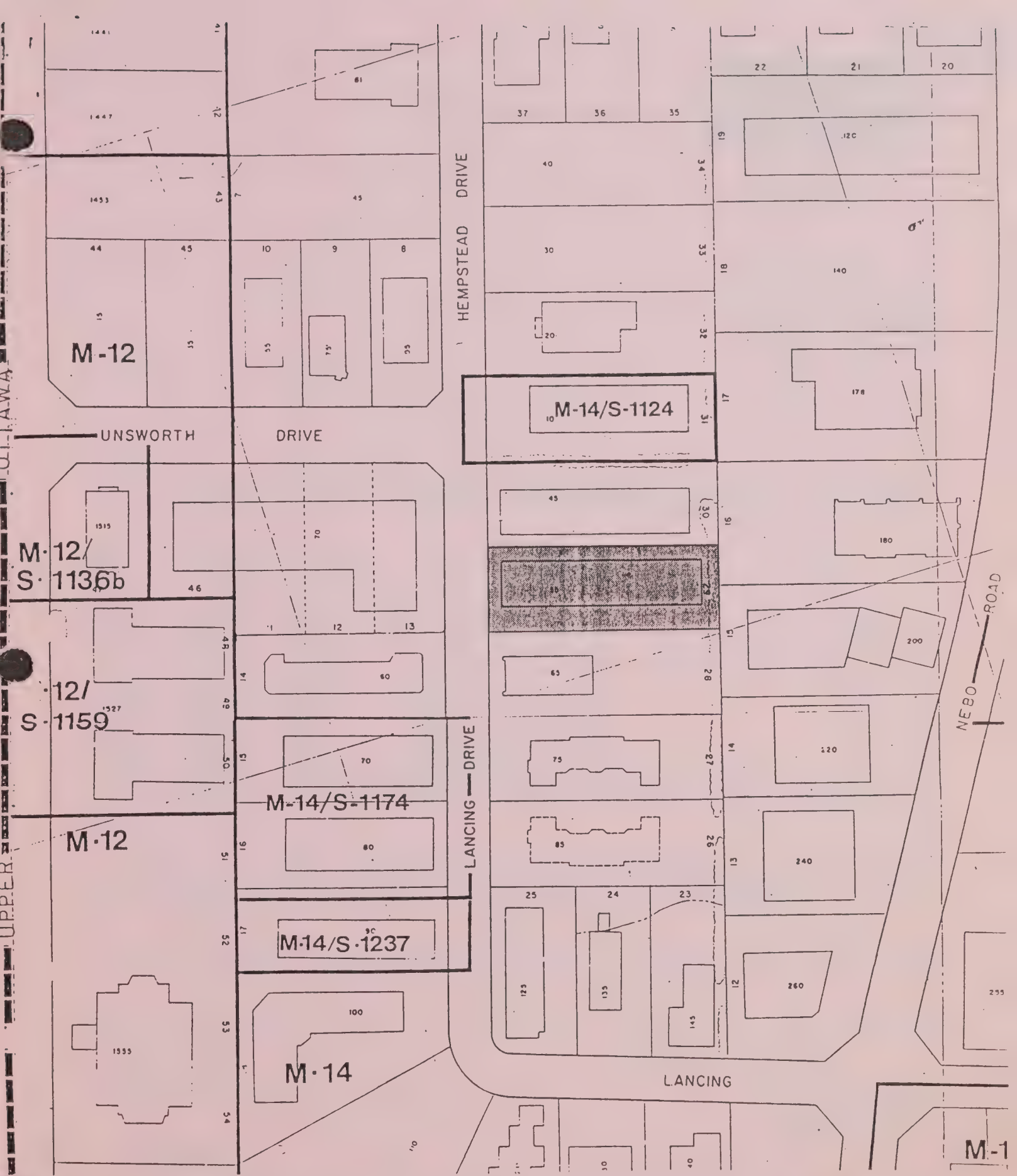
Based upon the comment received from the Building Department, there is no longer a shortfall in the required parking for the proposed development. Accordingly, the condition respecting "Cash-in-Lieu" of parking can be deleted. However, the applicant still must complete the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.

CONCLUSION:

On the basis of the foregoing, it is recommended that Item 17 of the Fourth Report for 1992 of the Planning and Development Committee approved by City Council on 1992 February 25th, be amended to delete clause (B) and add the following clause in its place:

- (B) That the amending By-law not be forwarded for passage by City Council until the applicant has completed the required works in accordance with DA-89-02 to the satisfaction of the Building Commissioner.

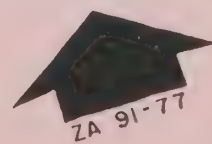
JL/ma
ZA9277



Legend



Site of the Application



APPENDIX A



July 29, 1992

Mr. Tom Redmond
Building Department
Regional Municipality Of Hamilton Wentworth
Hamilton, Ontario
Fax (416) 546-2764
Tel (416) 546-3907

Dear Mr. Redmond

Re Zoning application ZA 91-77 NO: 55 Lancing Drive

Thank you very much for meeting with us today. As per your request, we listed below the information you need. We hope that this will permit you to process our application.

Unit um	Client Name	Business Description	Type	parking Class	Area M SQ
1	ABD Technology	prprty owner, bld suppl	whruse	Commrc1	195.09
2	Mfg of Artfcl Marbles	mfg from raw mat	Mfg	Indstr1	195.09
3	National Floor Supply	carpt glue & suppl	Retail	Commrc1	195.09
4	National Floor Supply	carpt glue & suppl	whruse	Commrc1	195.09
5	Vacant	Proposed no tenant	Open	Indstr1	195.09
6	Vacant	proposed no tenant	Open	Indstr1	195.09
7	Vacant	Proposed no tenant	Open	Indstr1	195.09
8	Vacant	Proposed no tenant	Open	Indstr1	195.09
9	Vacant	Proposed Automotive	garag	Commrc1	195.09
10	Vacant	Proposed Automotive	paint	Commrc1	195.09
Total Building area					1,950.90

We are asking your understanding, as we may loose our current automotive tenants. As shown above we have four units rented or 40% the remaining 60% is vacant. The property is costing us a lot of money, and we feel frustrated to loose the automotive tenants.

We are asking that you approve the current parking space, and permit our application to go to council for approval. as outlined on ZA 91-77.

Again thank you for taking the time to meet to us and for your understanding.

Truly Yours

R Bernshaw
Raoul Berneshawi
Property Manager

APPENDIX B

Fb)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 10
CI-89-F

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

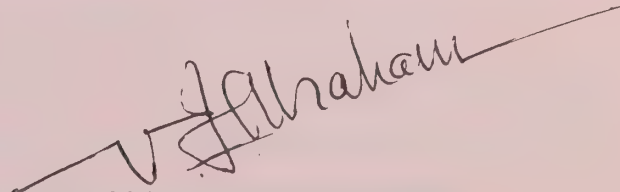
SUBJECT: City Initiative - review of the definition of "Townhouse Dwelling".

RECOMMENDATION:

That Section 16 of the SIXTH Report for 1990 of the Planning and Development Committee as approved by City Council at its meeting of Tuesday, 1990 March 13th, be amended on the following basis:

- (i) that Subsection (f) be deleted in its entirety and the following Subsections be renumbered accordingly.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

- CI-89-F

Initially, the Planning and Development Committee requested that the definition of "Townhouse Dwelling" be reviewed with the aim of differentiating such use from a multiple dwelling.

As set out under Section 2.(2)A.(viib) of Zoning By-law No. 6593 a "Townhouse Dwelling" is defined as follows:

"Shall mean a building not more than one single-family dwelling unit in height, designed and constructed to contain not more than eight single-family dwelling units but not more than three single-family dwelling units attached to each other, side by side, in one row and in substantial harmony with each other, each of which dwelling units,

- a) has separate front and rear entrances or separate front and side entrances, and
- b) is joined on one or both sides by a party wall to another dwelling unit in the same row;"

For purposes of by-law interpretation and enforcement, the Building Department advised that under any multiple dwelling zoning district (e.g. "DE", "E", etc.), except for an "RT-10" and "RT-20" District, a "townhouse dwelling" becomes a "multiple dwelling" when nine (9) or more single-family dwelling units are attached in one row. Consequently, such development would become subject to the by-law regulations for multiple dwellings rather than townhouses, notwithstanding that the form of development is a typical townhouse.

In this regard, a "townhouse dwelling" built under the guise of a "multiple dwelling" would benefit from lower by-law standards respecting landscaped area (25% vs. 40%), parking (1.25 spaces/unit vs. 1.5 spaces per unit), and density (230m² lot area/unit vs. g.f.a. ratio).

At its meeting of March 13, 1990, City Council approved Section 16 of the SIXTH Report for 1990 of the Planning and Development Committee. The purpose of the approved By-law changes is to provide for a general text amendment to Zoning By-law No. 6593 by clarifying the definition and regulations for "Townhouse" and "Maisonette" dwellings.

The effect of the proposed By-law is to prohibit more than eight (8) single-family dwelling units being attached in a continuous row for a "Townhouse" and "Street-Townhouse" dwelling; and not more than sixteen (16) single-family dwelling units in one block, of which not more than eight (8) shall be attached in a continuous row for a "Maisonette" dwelling.

In addition, the floor area ratio provisions for the multiple dwelling districts (i.e. "DE2", "DE3", "E", "E1", "E2", and "E3") are to be amended so that where a multiple dwelling is designed/ constructed to contain a "Townhouse" component, the "Intensity of Use" requirements (i.e density) for the "Townhouse" dwelling would be calculated separately, and the gross floor area for the remainder of the multiple dwelling would be adjusted accordingly.

- Draft By-law

Subsequent to Council's approval of City Initiative 89-F, the Law Department prepared several drafts of an implementing by-law. However, on each occasion the Building Department has advised that the section of the by-law which attempts to regulate the floor area ratio provisions for multiple dwellings containing a townhouse component is administratively cumbersome and difficult to enforce.

At the time the City Initiative report was prepared, it was **"generally agreed that there is no sure way to effectively block the loop-holes respecting the development of 'townhousing' type development under the guise of a 'multiple dwelling'."**

In this regard, it is the consensus of the Building, Law and Planning Departments that Subsection (f) of Council's resolution (6 R.P.D.C. 16, (1990) March 13) should be deleted. For the information of the Committee, on those occasions where proponents have sought to build non-traditional townhouse type developments the general intent of the by-law was maintained through

the Site Plan approval process. This is consistent with Committee's direction that the Planning and Development Department not recommend Site Plan Approval for plans where the proponent has utilized by-law inconsistencies to circumvent the intent of the Zoning By-law.

Accordingly, the Building and Planning Departments have agreed to monitor the effectiveness of the Site Plan Approval process in effectively addressing Committee's and Council's concerns.

CONCLUSION:

That Section 16 of the SIXTH Report for 1990 of the Planning and Development Committee be appropriately amended to delete the amendments to the "Floor Area Ratio" provisions for multiple dwelling districts.

PDM/ma
CI89F

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING & DEVELOPMENT	
LOCAL PLANNING	
JUN 11 1992	
TO:	1314
DIR:	1314
FILE:	1314
RE:	1314
DATE:	1314
BY:	1314
CART:	1314
ADMIN:	1314

DEPARTMENT OF BUILDINGS

MEMORANDUM

TO: Paul Mallard
Division Head
Development & Urban Design
Planning & Development Department

YOUR FILE: CI-89-F

FROM: Mr. Tom Redmond, P. Eng.
Chief Building Engineer
Building Department

OUR FILE: CI-89-F
PHONE: 546-3907

SUBJECT: Definition of Townhouses
and Maisonettes

DATE: 1992 June 10

This department remains adamantly opposed to the retention of Section 3 in the proposed By-Law for the following reasons:

1. Without a clear definition of "townhouse component", the distinction between "townhouse" and "multiple dwelling" blurs. Clearly, the type of building that is meant to be controlled by this Section is by definition "a multiple dwelling". But what is a "townhouse component"? Is it restricted to between three and eight single family units side by side in one row or can it be any number of single family units? Must they be equipped with front and rear entrances in order to be considered townhouse components? Would it refer to maisonette type dwellings as well? Many similar questions can and will be raised unless a clear definition is written.
2. The density requirements for a "multiple dwelling" are specific to the Zoning District in which they are contained and distinct from the requirements for a townhouse development. Applying two different density requirements to a "multiple dwelling" building is confusing, ambiguous, and could be subject to legal challenge.
3. In administering the zoning by-law this Department endeavors to be fair and consistent in its interpretations to avoid the appearance of being arbitrary or discriminatory. Section 3 proposes to take the most restrictive requirements of both townhouse and multiple dwelling building types and apply them to some "multiple dwelling" buildings. It is difficult not to appear arbitrary when we take this "smorgasbord" approach picking and choosing requirements and then not applying them uniformly across all "multiple dwellings".

Continued on Page Two

4. Breaking down buildings to apply different zoning requirements will increase the amount of time spent on zoning review and make the zoning by-law more complex. At present, we are attempting to make the by-law easier to understand and to remove unnecessary clauses. The introduction of Section 3 will be a step backwards.
5. At the present time your department asks for additional requirements on site plans over and above the zoning by-law. We see no reason why you cannot control the design of buildings which do not meet the definition of the two (2) types of townhouses. The Traffic Department, for instance, currently enforces its policies through the site plan process despite the fact that the policies are not by-laws.

For the above reasons and those outlined in our letter dated February 14, 1991, we maintain our position that Section 3 should be deleted from the proposed by-law.

Should you required additional information or wish to discuss this matter further, please do not hesitate to contact Mr. T. Redmond @ 546-3907.



Tom Redmond, P. Eng.
Chief Building Engineer

TR/ii

c.c. Earl Begg

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 4
(File: PLC-H-92-2)

REPORT TO: Tina Agnello
Secretary of the Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

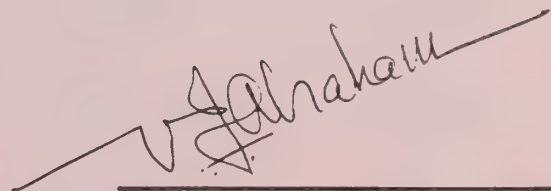
SUBJECT: Application to remove part-lot control from Lots 1 to 31
inclusive and Blocks 32 to 35 inclusive, Registered Plan
No. 62M-705.

RECOMMENDATION:

- (1) That the attached by-law to remove part-lot control from the lots and blocks of land in the Edan Heights, Phase 2 plan of subdivision, 62M-705, be enacted by Council.
- (2) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse same on the by-law.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner: 603976 Ontario Ltd., Hannon, Ontario

Agent: Luciano Castura, Scoccia & Castura (Solicitor), Hamilton, Ontario

Surveyor: A. J. Clarke and Associates Ltd.

Location: The lands are located south of Stone Church Road and west of Upper Sherman Avenue in the Butler Neighbourhood. The lands are part of Edan Heights Subdivision.

Proposal:

The applicant wishes to establish maintenance easements for 32 small lots within a registered plan of subdivision by having the municipality pass a by-law temporarily removing part-lot control. The easements would allow future property owners to access and maintain the part of their dwellings set close to the property line in this zero-lot line development.

Comments:

Removal of "part-lot control" is a measure provided for under the Planning Act to permit such minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles office. It can apply only to registered plans of subdivision. It is commonly used to establish maintenance easements.

Part-lot control will be re-established once the transactions conveying lots with the relevant maintenance easement have taken place. Re-establishment is also performed by by-law.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk.

The attached by-law has been prepared in a form satisfactory to the City Solicitors.

CMD/l
Attach.
Reports.Cit/Dir
PLCH92-2

COMPILED PLAN

SHOWING

PART OF LOTS 2 TO 17, 19 TO 31 (INCLUSIVE)
AND PART OF BLOCK 32
EDAN HEIGHTS-PHASE 2 - PLAN 62M -

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE = 1 : 750

0 5 10 20 30 40 metres

P.J.SHEEHY O.L.S.
1992

CARTIER
CRESCENT

SCHEDULE

PART	LOT	PART	LOT	PART	LOT
1	2	11	12	21	23
2	3	12	13	22	24
3	4	13	14	23	25
4	5	14	15	24	26
5	6	15	16	25	27
6	7	16	17	26	28
7	8	17	18	27	29
8	9	18	20	28	30
9	10	19	21	29	31
10	11	20	22	30	32

PLAN 62R-

RECEIVED AND DEPOSITED

DATE

LAND REGISTRAR FOR THE LAND TITLES
DIVISION OF WENTWORTH (No. 82)

I REQUIRE THIS PLAN TO BE DEPOSITED
UNDER THE LAND TITLES ACT

DATE

GEORGE WROUSE

PARTS 1 TO 30 INCLUSIVE - PART OF
PARCEL PLAN-1, SECTION 82M-

ACADIA DRIVE

LOTS CONCESSION 8

Geographic Township of Barton

PART 1 PLAN 62R-11920

1
2 PART 1
3 PART 2
4 PART 3
5 PART 4
6 PART 5
7 PART 6
8 PART 7
9 PART 8
10 PART 9
11 PART 10
12 PART 11
13 PART 12
14 PART 13
15 PART 14
16 PART 15
17 PART 16

CARTIER CRESCENT

PARCEL STREETS-1, SECTION 82M-

(CONTINUED BY PLAN 62M)

BLOCK 35
BLOCK 34
BLOCK 33

PART 30
PART 29
PART 28
PART 27
PART 26
PART 25
PART 24
PART 23
PART 22
PART 21
PART 20
PART 19
PART 18
PART 17
18

PART 4

PART 9

PART 10

PART 16

PART 17

PART 24

PART 25

Geographic Township of Barton

PLAN 62R-10810

REGIONAL ROAD No. 184

UPPER SHERMAN AVENUE

ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION
BASED ON DATA DERIVED FROM PLAN 62M-

DATE

P.J.SHEEHY

O.L.S.

NOTE

1. ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF
LOTS AND BLOCKS SHOWN IN SCHEDULE
2. ALL PARTS HAVE A PERPENDICULAR WIDTH OF 1.2 m
3. FRONT AND REAR LIMITS OF ALL PARTS ARE PARALLEL

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION

THIS PLAN IS NOT A PLAN OF SUBDIVISION
WITHIN THE MEANING OF THE PLANNING ACT



A. J. Clark and Associates Ltd.

ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

The Corporation of the City of Hamilton

BY-LAW NO. 92-

To Remove
Land within the Edan Heights, Phase 2 Subdivision, Plan 62M-705
from Part Lot Control

WHEREAS subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of section 50 of the Planning Act, states, in part, as follows:

- (7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

All lots and blocks of land within Registered Plan Number 62M-705, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.
2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton-Wentworth.
(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

PASSED this day of A.D. 1992.

Fd)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11
P 5-3-2-80

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Proposed Modifications - Official Plan Amendment No. 80

RECOMMENDATIONS:

That Planning and Development Committee recommend to Council:

1. That the City Clerk be directed to advise Hamilton-Wentworth Region that the City of Hamilton:
 - (a) endorses the modifications to Official Plan Amendment No. 80 to the City's Official Plan as proposed by the Region (APPENDIX "A"), except for Modification No. 9;
 - (b) requests that Modification No. 9 be further modified as follows:
 - delete Clause (ii) of Policy C.4.9 and replace with:

"ensure that, where remedial actions plans are required by the Ministry of the Environment, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provisions), etc., as a means to prohibit development;"

(c) requests a new Modification 14 be introduced as follows:


- Item 19 be modified by deleting the preamble of Subsection 5 - General Land Use Provisions and replacing it with the following:

"It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restriction throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted Uses as set out in Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City."

(d) the modifications and land use changes as proposed by the Hamilton Harbour Commissioners' in their letter of May 27, 1992 (APPENDIX "B") cannot be supported.

2. The City Clerk be requested to forward a copy of this report to the Region and the Ministry of Natural Resources for their information.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Official Plan Amendment No. 80 was adopted by City Council on December 13, 1989. The purpose of the amendment is to update the Official Plan to more current standards and to incorporate a number of changes to the Plan as a result of a comprehensive review.

Hamilton-Wentworth Region has requested the City:

- to comment on 13 modifications (see attached APPENDIX "A") proposed to Official Plan Amendment No. 80 developed as a result of their circulation of the amendment to the various commenting departments and agencies; and,
- to comment on correspondence received in response to these proposed modifications from the various commenting departments and agencies (see attached APPENDIX "B").

REVIEW OF PROPOSED MODIFICATIONS:

Modifications Numbers 1,2,7 and 11

All these modifications relate to the Hamilton Harbour.

Modifications Numbers 1, 2 and 11 were developed specifically in response to concerns expressed by the Harbour Commissioners when the Official Plan Amendment was first circulated for their comment. It is their position that the Amendment:

"...fails to set out policies which adequately recognize or protect the role of the harbour and the port infrastructure in the future development of the City of Hamilton..."

Accordingly, the modifications propose to introduce a new land use designation, "SHIPPING AND NAVIGATION", on Schedule "A" - Land Use Concept of the Official Plan for the Harbour Commissioners Piers 10 to 14 and 25 to 27. A new Subsection A.2.11 is to be introduced which recognizes the Harbour's importance to the City and defines the permitted uses. This definition is a modification of existing Policy A.2.7.2 under "UTILITIES" which defines the permitted uses on the Harbour Commissioners' Piers. Hence, Policy A.2.7.2 is to be deleted.

Modification 7 modifies Policy A.5.1(iii) introduced by Official Plan Amendment No. 80 which reads in part, as follows:

"5.1 Notwithstanding SECTION A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is maintained and it is [in] keeping with the intent of the development standards set out in this Plan:

(i)...

(ii)...

(iii) bona fide shipping and navigation by the Hamilton Harbour Commissioners in accordance with Subsection D.8."

The effect of the proposed modification is to clarify the question of land use jurisdiction in the Hamilton Harbour.

These modifications have the concurrence of the City's special legal counsel on Harbour matters and can all be supported.

Modifications Numbers 3 and 4

These modifications are intended to address the Ministry of Natural Resources' concerns with respect to:

- strengthening the Environmentally Sensitive Areas policies by ensuring the appropriate studies undertaken include lands not only within Environmentally Sensitive Areas (ESA's), but adjacent to ESA's designated on Schedule "D" of the Official Plan; and,
- recognizing and protecting the Provincial significance of Van Wagners' Marsh and Cootes Paradise as Areas of Natural and Scientific Interest and as Class I Wetlands.

Both modifications were prepared in consultation with the Ministry Of Natural Resources. Further, they are consistent with the recently approved Provincial Policy Statement on Wetlands. On this basis, these modifications can be supported.

Modifications 5, 9, 10 and 12

These modifications were initiated as a result of the Ministry of Environment's comments on Official Plan Amendment No. 80.

The City's existing Official Plan policies recognize the potential safety and health risks associated with migrating methane gas and leachate from former municipal or industrial waste disposal sites. The Ministry noted this migration can be as much as 500 metres and that they should be consulted if such a site is proposed for development. On this basis, it is considered appropriate to provide policy guidance, as well as to identify those "landfill constraint areas" which are known to the City and the Ministry (Modifications 5 and 12).

Further, the Ministry expressed concern regarding the reuse of lands used for industrial, transportation and utility purposes (as well as limited commercial uses such as gasoline stations and dry cleaners) inasmuch as these uses could have the potential for contaminated soils. The Ministry has developed guidelines (Guidelines for the Decommissioning and Clean-up of Sites in Ontario) to identify the presence, type and concentration soil contaminants, and to require the appropriate clean-up of the site. Since the planning process can identify sites where such reuse is contemplated, policies are proposed (Modification 9) to assist the Ministry and ensure the provisions of the decommissioning Guidelines are recognized in the planning process.

However, since these policies were first drafted, the City has dealt with several zoning applications in which the Ministry identified that decommissioning was required prior to development of a site. In one case, the implementing zoning by-law placed a "H" (Holding) symbol on the land which is not to be removed until the Ministry of Environment has advised the City that the decommissioning process has been satisfactorily completed. In other cases, approval of the final site plan is to be withheld until the Ministry has advised the City that the decommissioning process has been satisfactorily completed. Given this recent experience, the following refinement of Modification 9 is proposed, as follows:

- delete Clause (ii) of Policy C.4.9 and replace with:

"ensure that, where remedial actions plans are required by the Ministry of the Environment, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provisions, etc., as a means to prohibit development;"

Further, the Ministry of Environment advised that certain types of major public works (other than roads) are subject to approval under the Environmental Assessment Act. Since the Official Plan currently recognizes the development of certain roads are subject to approval under the Environmental Assessment Act (Policy B.3.1.9), it is appropriate to give similar recognition to other projects that may be affected (Modification 10).

On the basis of the foregoing, the above-mentioned modifications can be supported, including the further refinement to proposed Policy C.4.9.

Modification 6

Official Plan Amendment No. 80 proposes a new Subsection 5 - General Provisions, which is intended to permit certain uses "as-of-right" within all land use designations, provided land use compatibility is maintained. Ontario Hydro requests that leeway be provided in the interpretation of "compatibility", in as much as some of their facilities, by their nature may not be totally compatible with adjacent land uses. The proposed modification can be supported.

Modification 8

The HSR has requested that appropriate recognition be given in the Official Plan to the Region's policies regarding the location of transit stops. The proposed modification can be supported.

Modification 13

This modification renumbers the items in the Official Plan Amendment. Since it is administrative in nature, it can be supported.

COMMENTS ON CORRESPONDENCE:

Hamilton Harbour Commissioners

The Hamilton Harbour Commissioners, in response to the Region's circulation of the proposed modifications to Official Plan Amendment No. 80, have responded by proposing further major modifications. The City's special legal counsel in Harbour matters was consulted in the preparation of the proposed modifications affecting the Harbour, and it is felt that they appropriately recognize both the City's and the Harbour Commissioners' jurisdiction with respect to land use. Further, shipping and navigation is a federal responsibility and is not part of the mandate of the Province, Region or City. In this regard, the City's Official Plan policies have no application for shipping and navigation uses, and would only take effect if and when lands are no longer used for shipping and navigation purposes. On this basis, any further modifications proposed by the Harbour Commissioners' for Modifications 1, 2, 7, and 11 cannot be supported.

The foregoing can also be applied to the Commissioners' proposals for Policies D.8.4 and D.8.5.

In addition, the Harbour Commissioners suggested a number of other land use changes to be introduced through Modification 10, specifically:

- the "Open Space" designation on Pier 8 no longer reflected the Harbour Commissioners long term intent for this area;
- redesignating Pier 24 and Windermere Basin "Shipping, Navigation and Port Development"; and,
- redesignating the Harbour waters for "Shipping, Navigation and Port Development".

These are specific land use changes proposed to the Official Plan which cannot be appropriately dealt with through the modification process. Changes of this nature should be dealt with through a formal application to amend the Official Plan from the Harbour Commissioners. They have been advised of this previously, however no application has been received to date.

In summary, the modifications and land use changes proposed by the Harbour Commissioners in response to the Region's proposed modifications as noted above **cannot be supported**.

HSR and CN

Both these agencies had no objections to the proposed modifications.

Ministry of Natural Resources

The Ministry concurs with the proposed modifications. They request that a copy of this report be forwarded to them for their information. In addition, they request the City to consult with them in the preparation of Official Plan policies with respect to fisheries. Both these requests can be supported.

Ministry of Environment

This correspondence simply reflects the agreed upon modifications as evolved from the Ministry's initial comments on the Official Plan amendment.

Ontario Hydro

Ontario Hydro has expressed concern regarding Modification 9 which proposes to introduce a new policy on the Ministry of Environment's decommissioning of contaminated sites. Their concern includes:

- the appropriateness of enforcing Provincial "guidelines" through municipal legislation; and,
- the definition of the term "utility" as it applies to their operations.

Ontario Hydro's concern are valid however, the proposed policies are not intended to implement Provincial guidelines through the Official Plan but only to serve as a "yellow flag" to those wishing to develop sites with potential contamination problems. Further, the term "utility" is intended to be generic and intended to apply utility uses such as electrical transformer stations, generating stations and municipal works yards but not to electrical transmission and utility corridors.

On this basis, no changes to Modification 9 are necessary.

ADDITIONAL COMMENT:

In the Region's original circulation of Official Plan Amendment No. 80, the Niagara Escarpment Commission requested a modification with respect to the new Subsection A.5 - General Land Use Provisions. At the time, it was intended to deal with this matter through Niagara Escarpment Plan conformity exercise. However, this is no longer possible and it must be dealt with through Official Plan Amendment No. 80.

The intent of Subsection 5 is to provide an exception to the policies and land use designations of the Official Plan for government agencies, certain utilities, places of worship as well as parks and open space uses. These uses would be permitted will all land use designations provided land use compatibility is maintained and is in keeping with the intent of the development standards set out in the Official Plan.

The NEC consider this to be in conflict with lands designated "Escarpment Protection" and "Escarpment Natural" under the Niagara Escarpment Plan. The following modification to the preamble of Subsection 5 - General Land Use Provisions would address the Commission's concerns, with additional wording underlined:

"It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restriction throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted Uses as set out in Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City."

This modification was developed in consultation with the Niagara Escarpment Commission and does not present any difficulties with the intent of the preamble of the Subsection. On this basis, a new modification (Modification 14) is proposed.

CONCLUSION:

On the basis of the foregoing, the modifications as proposed by the Region can be supported with the exception of the further refinement requested Clause (ii) of Policy C.4.9 (Modification 9) as noted previously. An additional Modification 14 is proposed to address the concerns of the Niagara Escarpment Commission which has not been previously dealt with. Further, the modifications and land use changes as proposed by the Hamilton Harbour Commissioners' letter of May 27, 1992 (APPENDIX "B") cannot be supported.

The City should so advise the Region.

In accordance with the request of the Ministry of Natural Resources, a copy of this report should be forwarded to them for their information.

CF/
OPA80MODS

PROPOSED MODIFICATIONS TO AMENDMENT NO. 80 TO THE CITY OF HAMILTON OFFICIAL PLAN
(Revised 29 May 1992 to incorporate comments received as a result of circulation)

Modification 1

Subsection A.2.7.2 - Utility Uses, be revised as follows:

- i) delete Policy A.2.7.2; and,
- ii) renumber the other policies in the Subsection accordingly.

Modification 2

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.2.11 - Shipping and Navigation, to read:

"A.2.11 - SHIPPING AND NAVIGATION

It is the general intent of this Plan to recognize the role of the Harbour in the economy of the City and in particular, the activities of the Hamilton Harbour Commissioners in carrying out their activities of SHIPPING AND NAVIGATION.

2.11.1 The primary permitted uses in the areas designated on Schedule "A" as SHIPPING AND NAVIGATION will be for shipping terminals; marine freight; passenger handling facilities; related storage, vessel and barge docks; and other uses related to SHIPPING AND NAVIGATION."

Modification 3

Subsection A.3.2 - Environmentally Sensitive Areas, be revised by:

- i) adding to Policy A.3.2.3, the words "...within or adjacent to lands..." after the words "...Where development or redevelopment is proposed on lands..." to read:

"A.3.2.3 Where development or redevelopment is proposed on lands within or adjacent to lands designated ENVIRONMENTALLY SENSITIVE AREAS, Council will consider..."

- ii) adding a new clause (iv) to Policy A.3.2.3 to read:

"iv) In the case of Van Wagner's Marsh and Cootes Paradise, the Feasibility Study and Impact Analysis must make specific reference, in consultation with the Ministry of Natural Resources, to the criteria employed in the selection of these Provincially significant features. It must demonstrate that the development is compatible with long term maintenance of the Provincially significant features, in accordance with Provincial direction."

Modification 4

Subsection A.3.2 - Environmentally Sensitive Areas, be revised to add a new Policy A.3.2.10 to read:

"A.3.2.10 Cootes Paradise and Van Wagner's Marsh are Provincially Significant Wetlands. In addition, Cootes Paradise is a Provincially Significant Area of Natural and Scientific Interest. Council recognizes the Provincial significance of these

features and supports their protection in the long term."

Modification 5

Section A - Land Use and Management Strategy, be revised by adding a new Subsection A.3.5 - Land Fill Constraint Areas, to read:

"Landfill Constraint Areas are those lands which are known former municipal or industrial waste disposal sites. If effective control measures have not been implemented at the site, then methane gas and leachate can migrate laterally from the perimeter of the site. Methane gas and leachate can be generated in quantities and concentrations which can pose a risk to property and human health and safety. It is therefore appropriate to include policies to ensure due caution is exercised in the development/redevelopment of affected lands. Further, the Environmental Protection Act requires that approval for any use of a waste disposal site within 25 years of its closure be obtained in writing from the Minister of the Environment.

3.5.1 Where development is proposed within 500 metres of lands shown as "Land Fill Constraint Areas" on Schedule "I":

- (a) the City, the Region and the Ministry of the Environment will be consulted regarding actions necessary to identify and mitigate any potential adverse environmental effects; and,
- (b) to facilitate a recommendation by the Ministry of the Environment to the approving authority, evidence, will be provided to the City and to the Ministry that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place.

3.5.2 No uses, except those approved by the City, and in writing by the Minister of the Environment pursuant to the Environmental Protection Act, as amended, will be permitted on lands used for waste disposal purposes within 25 years of termination of such use."

Modification 6

Item 19 be modified to revise Policy 5.1 by adding the word "generally" after the words "...land use compatibility" to read:

"5.1 Notwithstanding SECTIONS A, B AND C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of the development standards set out in this Plan."

Modification 7

Item 19 be modified to revise clause iii) of Policy A 5.1 to read:

- "iii) bona tide shipping and navigation by the Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the Federal Government, or the Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping and navigation matters in accordance with Subsection D.8."

Modification 8

Subsection B.3.2 - Public Transit, be revised by adding the words "in accordance with the policies established by the Region" after the words "... locate TRANSIT stops" to read:

"B.3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and cooperate with the Region's Transportation Department to locate TRANSIT stops in accordance with the policies established by the Region. Where possible and feasible, transit stops will be located in close proximity to passenger generators. Furthermore, Council with support, where practicable, the integration of those stops with pedestrian crosswalks."

Modification 9

Section C - Amenity and Design Strategy, be revised to add a new policy 4.9 to Subsection C.4 - Pollution, to read:

"4.9 Council recognizes the Ministry of the Environment's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:

- (i) require the proponents to submit to the Ministry of the Environment, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario, (as may be amended.) This plan will be submitted to the Ministry for approval;

- (ii) defer applications to rezoning and/or Official Plan amendments until notification is received from the Ministry that the decommissioning process has been satisfactorily completed, in cases where remedial action plans have been required; and,
- (iii) require, in accordance with Ministry requirements, the proponent to submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry."

Modification 10

Section D.8 - Interpretation, be revised to add a new Subsection D.8.6, as follows:

"D.8.6 Nothing in this Plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with that Act. The City will not give any licence, permit or approval that may lead to the commencement of any such undertaking until it has been approved or exempted under the Environmental Assessment Act."

Modification 11

Schedule "A" - Land Use Concept of the Official Plan Amendment No. 80 be revised by:

- i) adding a new designation "Shipping and Navigation" to the legend; and,
- iii) redesignating Piers 10 to 14 and Piers 25 to 27 from "Utilities" to "Shipping and Navigation".

Modification 12

Introduce a new Schedule "I" - Land Fill Constraint Areas, to the Hamilton Official Plan

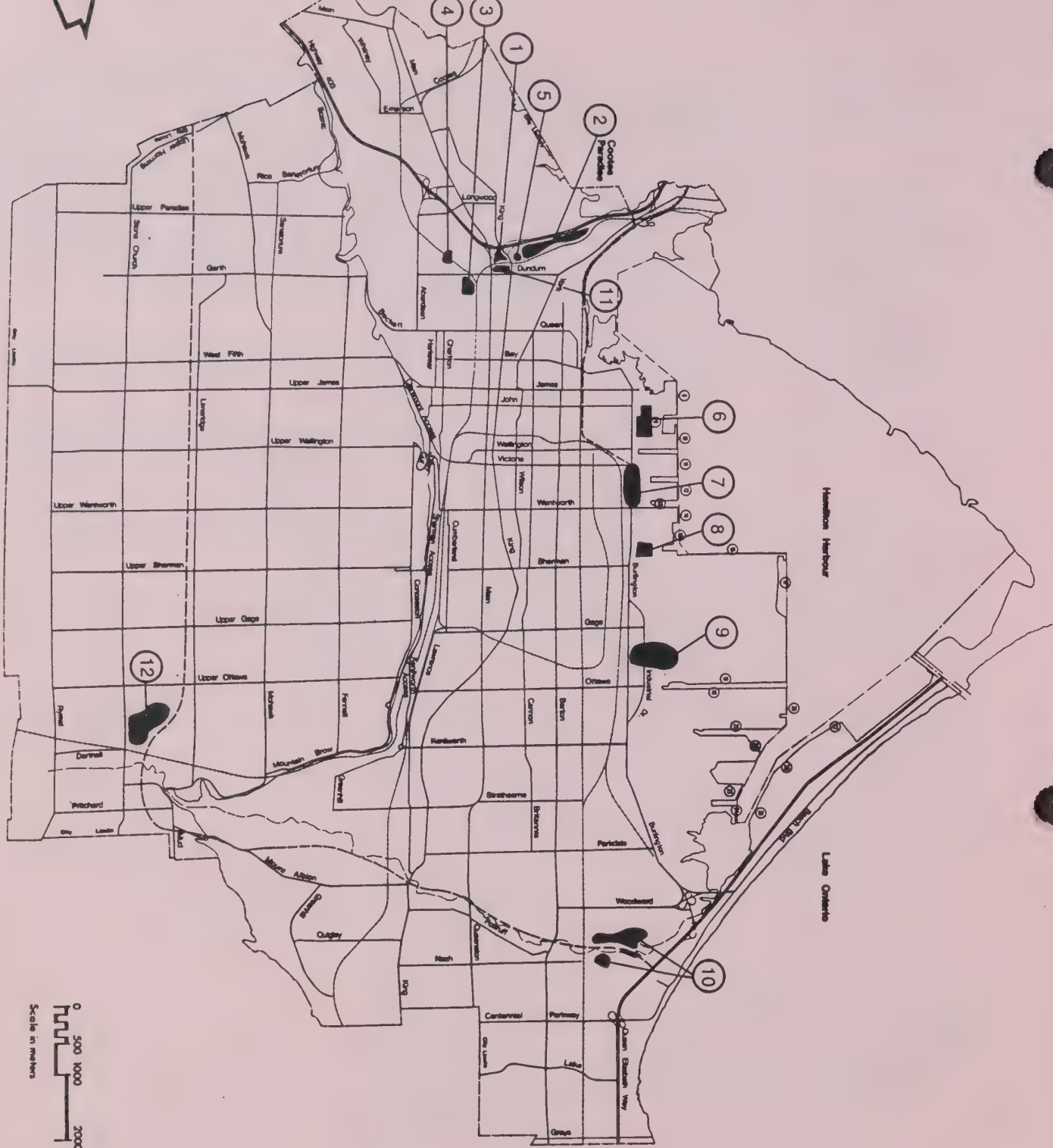
Modification 13

Renumber the Items of Official Plan Amendment No. 80 accordingly.

landfill constraint areas

legend

- ① King St./Basilica
- ② Kay Dradge Park
- ③ Hill Street Yard
- ④ Chatham/Frid
- ⑤ King/CP
- ⑥ Eastwood Park
- ⑦ Burlington/Victoria/ Wentworth
- ⑧ Burlington/Birch
- ⑨ Burlington/Depew
- ⑩ Brampton/Wentworth
- ⑪ Main/Dundum
- ⑫ Upper Ottawa Landfill Site



schedule I

to the official plan
for
the City of Hamilton
December, 1991

CONFIDENTIAL & WITHOUT PREJUDICE

May 27, 1992

The Regional Municipality of Hamilton - Wentworth
P. O. Box 910
Hamilton, Ontario
L8N 3V9

Attention: Mr. A. L. Georgieff, MCIP

Dear Sir,

**SUBJECT: Proposed Modifications to Official Plan Amendment No. 80,
City of Hamilton**

The above referenced has been reviewed by The Hamilton Harbour Commissioners and we submit the following comments and recommended changes for your consideration.

It is the view of the Commissioners that should the recommendations as set out herein be incorporated by the Region many of the long-standing planning disputes between the City and the Commissioners will be resolved. Moreover, acceptance will also permit the Commissioners to withdraw many of the appeals that we have filed against zoning by-law amendments.

As had been previously set out to the City in previous correspondence, we had anticipated that the Major Five-Year Review to the City's Official Plan would have resulted in more than just housekeeping measures. The latest proposals for modifications to the Plan are an improvement over the initial proposal, however we feel that additional policies relating to the Port of Hamilton are warranted.

The proposal that we have provided will assist in providing the much needed certainty and predictability for long-term economic growth in the Port and the region. The attached Appendix 1 - "An Overview of the Benefits of the Port of Hamilton" - provides a basis for the incorporation of appropriate policies in the Official Plan which will in turn assist in establishing the atmosphere for growth and prosperity. Our proposal will only serve to benefit and sustain this growth, while continuing to be consistent with the judgement set down by Mr. Justice Griffiths. In this regard, we believe that Mr. Justice Griffiths was very clear in confirming the role of the Harbour Commissioners in port planning. For example, in Hamilton Harbour Commissioners v. City of Hamilton (1978), 91 D.L.R. (3d) 353, page 366, Mr. Justice Griffiths concluded:

If a port is to remain competitive, it must have sufficient flexibility to adapt its land uses to all the changing needs. If its harbour is to survive, a harbour authority must have complete and absolute control over the harbour and surrounding lands to enable it to develop to its full potential.

The following are our specific comments relating to the proposed modifications dated March 13, 1992:-

Modification 1

We concur.

Modification 2

The intent of this modification is positive, however in our view does not go far enough to fully address the importance, role and function of the Port. We propose the following:-

"A.2.11 - SHIPPING, NAVIGATION AND PORT DEVELOPMENT

Council recognizes that the Port is an integral and important element to the social and economic fabric of the City and surrounding region and accordingly, it is the general intent of this Plan to recognize the role of the Port in this respect and in particular, the activities of The Hamilton Harbour Commissioners in carrying out their mandate of Shipping, Navigation and Port Development.

2.1.11 The primary permitted uses in the areas designated on Schedule 'A' as Shipping, Navigation and Port Development shall include, but not be limited to the following uses: uses which relate to the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; vessel and barge docks; industry and commerce related or complementary to, or necessary to the port; recreational boat facilities; and, the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel, and maintenance."

We feel that like other land uses in the municipality, the Shipping, Navigation and Port Development land uses should also be protected from adjacent, potentially conflicting land uses. Accordingly, the following policy is proposed which is similar to that found in the Industrial Uses land use designation in the Official Plan:

- "2.1.12 Council shall ensure that other land uses which are proposed and which abut the areas designated on Schedule 'A' as Shipping, Navigation and Port Development are compatible with those uses set out in policy 2.1.11 and will protect the uses set out in policy 2.1.11 from other uses or other adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

We believe that the Shipping, Navigation and Port Development designation should also be afforded the same policies as that found in other designations in the Official Plan respecting the provision of public services (policy 2.2.29, for example). We therefore, propose the following policy;

- "2.1.13 In order to enhance the viability of the Shipping, Navigation and Port Development designation, Council, where feasible and deemed appropriate, shall encourage and assist in the establishment and/or maintenance of the Port through the provision of highways, arterial roads, rail and public transit services."

Modification 3

No comment.

Modification 4

No comment.

Modification 5

At the outset, we are very concerned and disappointed that the land use designation and associated policies of Landfill Constraint Areas have been developed and proposed as part of modifications, and not as an amendment, without any consultation with The Hamilton Harbour Commissioners or the public. From a planning perspective, we are very surprised that no public meeting or other form of public consultation is proposed.

From our discussions and meeting with staff of the Ministry of the Environment, we understand that no technical reviews or investigations have been completed to determine the age, actual extent, contents, potential impacts, if any, and even existence of the identified landfill areas. We understand that the areas were identified by university students and through conversations with Regional and City staff.

Consequently, it is our position that prior to the designation of lands and surrounding areas, detailed field studies and research must be undertaken to verify the above information.

We are also concerned that the placement of the designation on lands of the Harbour Commissioners may lead to confusion given the various levels of government involved. In this respect, we request that the 500 metre zone be illustrated only on lands not owned by The Hamilton Harbour Commissioners since the Commissioners have their own internal procedures for the assessment, evaluation and screening of developments, capital works or changes in use. This code of practice is consistent with and will follow any and all applicable federal legislation and guidelines.

In summary, detailed investigations should first be completed. If the results demonstrate a need for further action, public consultation should occur. This consultation should ensure that any official plan amendments are co-ordinated with and take into account actions and plans of The Hamilton Harbour Commissioners with respect to these lands.

Modification 6

No comment.

Modification 7

This proposed modification is of some value, however the term bona fide should not be used since it will undoubtedly only lead to confusion as to what is bona fide shipping and navigation and what is not. We propose the following:

- "iii) shipping, navigation and port development uses by The Hamilton Harbour Commissioners, without purporting to limit the jurisdiction of the Parliament of Canada, the federal government, or The Hamilton Harbour Commissioners acting within the scope of the lawful jurisdiction in respect of shipping, navigation and port development matters in accordance with subsection D.8."

Modification 8

No comment.

Modification 9

No comment.

Modification 10

- i) The new designation should read "Shipping, Navigation and Port Development";
- ii) We have previously advised the Region and the City that the "Open Space" land use designation on Pier 8 is totally inappropriate since the Commissioners have no intent of using the terminal facility for anything but a shipping terminal within the planning horizon of the official plan. The "Open Space" designation does not recognize the investment and the current viable and successful use of the site, nor does it recognize the orderly development of shipping, navigation and port development activities.
- iii) Pier 24 and the Windermere Basin area should also be redesignated to "Shipping, Navigation and Port Development" since they are either now or will soon be part of viable shipping and port development components of The Hamilton Harbour Commissioners.
- iv) Finally, if any area of the port should be designated as "Shipping, Navigation and Port Development", it should be the open waters of the harbour. The harbour itself is used only for shipping and navigation uses and is fully under the ownership and control of The Hamilton Harbour Commissioners. Moreover, the reference in policy A.2.5.1 of the Official Plan to Ontario Regulation 118/70, as amended, is no longer applicable to the placement of fill materials in the Harbour. In Regina v. Hamilton Harbour Commission, June 10, 1977, Provincial Judge Ross Bennett on page 8 determined that:

"the legislation referred to in the Information is ultra vires in the Hamilton Regional Conservation Authority (sic) and the Province of Ontario, so far as it relates to that area described in schedule five of the regulations."

Modification 11

✓ See comments under the heading 'Modification 5'.

Modification 12

No comment.

Other Comments

We recommend that Policy D.8.4 be deleted and replaced with the following policy:

"D.8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by The Hamilton Harbour Commissioners for shipping, navigation or port development purposes, as provided herein."

We recommend that Policy D.8.5 be amended by deleting the word bona fide and adding the words "and port development uses" after the word navigation since, as previously noted, the term bona fide will only lead to confusion and interpretation problems during the implementation of the official plan.

Should you wish to meet to discuss our comments and recommendations, please contact us at your convenience.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS



J. BROOKFIELD
PORT PLANNER

Enclosure

cc: Mr. Stanley Makuch
 Borden & Elliot
 Barristers and Solicitors

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Received		
TO	STAFF	INIT.	INFO	ACT
DIR.	VS	1/12		
1	CP	8/1		
NEIGH	JHE	4/12		
DEV.				
ES&UD				
	CF	8		

COPY
MINISTRY OF THE ENVIRONMENT
WEST CENTRAL REGION

March 27, 1992

Mr. Alex Georgieff, M.C.I.P.
Director, Regional Planning Branch
Regional Municipality of Hamilton-Wentworth
Planning and Development Dept.
119 King St. W., 14th Floor
Hamilton, Ontario
L8N 3V9

Dear Mr. Georgieff:

RE: Proposed Amendment No. 80 to the Official Plan for the
City of Hamilton Planning Area
Your File No. 25-OP-HA-080

I acknowledge your letter of March 13, 1992, upon the captioned Official Plan amendment which is intended to serve as the Hamilton Plan's five year review document, together with modifications which you have proposed. Your correspondence proceeds from a series of communications, the most recent being our letter to you, dated October 16, 1991.

Our focus throughout has been mainly upon former waste disposal sites/landfill constraint areas (Modification 5), and reuse/re-development of potentially contaminated sites (Modification 9).

Modification 5

Through the October 16th letter, I conveyed out satisfaction with the policy section dealing with landfill constraint areas. The exact same policies appear now as Modification 5, save that the term "Ministry of Environment" is reverted to at the end of the introductory statement in reference to approval to any use of a former waste disposal site within 25 years of its closure. At the bottom of page 2 of my letter of August 28, 1991 (copy enclosed), I informed you that in this context the correct term is "Minister of the Environment".

Modification 9

Again, I find that the policy wording to direct site analysis and decommissioning is exactly as we had agreed upon, with the exception that in the first clause of item (i) the entire fourth line of type as it appeared with your September 19, 1991 letter has been omitted (the line beginning "to human health" and ending "Determination of").

It is noteworthy that since writing in October, we have used your refinements to our original wording in deriving a base text which this Ministry may ask all municipalities to incorporate into their official plans. Although, as indicated above and previously, we have agreed to your present wording, you may wish to consider use of the more current wording, attached. You will note that one effect is to identify the fact that in addition to soils, paving and building materials may be contaminated. This is important where building conversion is purposed and/or demolition rubble is to be disposed of.

If you have questions upon any of our current wording, I would be most pleased to discuss them with you.

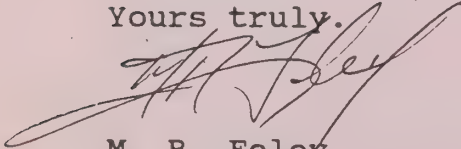
Environmental Assessment Act

One final matter is that of acknowledging the authority of the Environmental Assessment Act. You may recall that through our June 15, 1990 letter to Mr. V. J. Abraham, we requested a policy statement focusing upon the Act. I have attached a copy of page 4 of that letter, on which our requested wording appears highlighted.

By your letter of December⁷ 1990 (copy attached) you confirmed that this statement should be included in the Hamilton Plan, yet it does not appear among the modifications. Please advise me whether this omission was an oversight, or is, for some reason, intentional.

In conclusion, I express again our thanks to you to and to your staff for your sustained support to our interests in furthering environmental safeguards.

Yours truly,



M. B. Foley
Environmental Planner
Approvals and Planning

cc: ✓ Mr. V. J. Abraham, Region of Hamilton-Wentworth
Mr. B. Hudson, Ministry of Municipal Affairs
Mr. J. Vogt, Attention Messrs. L. Van Biesbrouck and
G. Takaki, Ministry of the Environment, Hamilton

Encls.

MF/de

MF-26



RECEIVED MAR 13 1992



Box 2186
605 Beaverdale Road
Cambridge, Ontario
N3C 2W1

8550.4.3.4

March 10, 1992.

The Regional Municipality of Hamilton-Wentworth
P.O. Box 910
119 King Street West
Hamilton, Ontario
L8N 3V9

Attention: Mr. A.L. Georgieff, M.C.I.P.
Director of Local Planning

SUBJECT: Proposed Official Plan Amendment No. 80
City of Hamilton

Dear Mr. Georgieff,

The Ministry of Natural Resources wishes to confirm verbal comments made by Catherine Copelin of our office to Caroline Floroff on March 9, 1992, regarding the above amendment. Staff have reviewed the modifications of the proposed amendment and have no objection.

We wish to confirm that City staff will consult with the Region and the Ministry of Natural Resources in the preparation of its fisheries policies. Also, that copies of any technical reports regarding this matter for the Planning and Development Committee will be circulated to this Ministry for our information.

Through these modifications, the Ministry's resource concerns have been addressed and therefore has **no objection** to this proposed amendment.

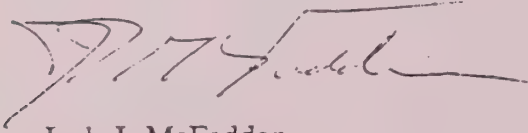
Please inform us of your decision in this matter.

Page 2

Regional Municipality of Hamilton-Wentworth

If you have any further questions or concerns, please contact Catherine Copelin at this office (telephone (519) 658-9355).

Yours Truly,



Jack J. McFadden
District Manager
Cambridge District

CC\

cc.: V. Abraham,
Director of Local Planning

N. Ragetile,
Regional Planning Branch

S. Konkle,
Hamilton Region Conservation Authority

M. Foley,
Ministry of the Environment

RECEIVED MAY 25 1992

BY FAX: (416) 546-4364

700 University Avenue, Toronto, Ontario M5G 1X6

May 20, 1992

File: 713.00544.204 T15
Ref.No.: 3268

Mr. R. Lee
Planner
Planning and Development Department
The Regional Municipality of Hamilton-Wentworth
P.O. Box 910
Hamilton, Ontario
L8N 3V9

Dear Mr. Lee:

Proposed Modifications to Amendment No. 80
to the City of Hamilton Official Plan
(Official Plan Major Five-Year Review)
Your File No.: 25 OP HA 080

Further to our recent telephone conversation, the following are Ontario Hydro's comments with regard to the proposed modifications to Official Plan Amendment No. 80.

Although Ontario Hydro supports the decommissioning and clean-up of contaminated sites in an environmentally acceptable manner, we cannot support proposed policy C 4.9 introduced by Modification 9 in its present form. The Ministry's Guidelines for the Decommissioning and Clean-up of Sites in Ontario are not provincial law or policy, and it is inappropriate to enforce them through municipal legislation. If the Province seeks to enforce these guidelines then the appropriate laws should be introduced on a province-wide basis. In addition, we expect the proposed policy may be objectionable to the municipal council since local development or redevelopment of the lands identified in the proposed policy would be subject to approval by the Ministry of the Environment.

However, if the policy is to be included, we would have comments with regard to the specific wording of the policy. As proposed, Policy C 4.9 will apply to all lands used by a utility without considering the actual land use. Not all utility uses represent lands with a high potential for soil contamination and therefore should not be subject to this policy. Further to a recent discussion with Mr. Mike Foley, Ministry of the Environment, it is my understanding that the inclusion of lands used for "utility purposes" was intended to address the more industrial

uses of utilities, such as electrical transformer stations, generating stations, and municipal works yards but not our electrical transmission and distribution corridors. Therefore, we may consider accepting a revised policy which refers to specific Ontario Hydro industrial land uses but not to utility uses in general.

Please advise us if proposed policy C 4.9 is to be submitted to Council for approval. If so, we request an opportunity to provide more detailed comments on the final wording.

If you have any questions with regard to the above or would like to arrange a meeting with ourselves and the Ministry of the Environment, please call me at (416) 592-2857.

Yours truly,

Linda Civiero

Linda Civiero
Planner
Land Use & Environmental Planning Department
Room H8 C14

cc: Mr. M. Foley, Ministry of the Environment

ll

DEPARTMENT OF PUBLIC TRANSIT
(The Hamilton Street Railway Company)

MEMORANDUM

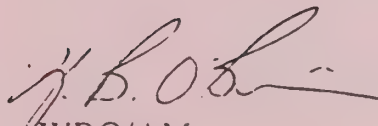
Ple

TO: Mr. A.L. Georgieff
Director, Regional Planning Branch

FROM: W.B. O'Brien PHONE: 528-4200 x210
Director of Transportation Services

RE: City of Hamilton DATE: 1992 March 23
O.P.A. #80

We have reviewed the proposed modifications attached to your letter of March 13, 1992. The only modification which appears pertinent to HSR is No. 8. We have no comments or objections to this modification.


WBO/AM



Engineering Services
Southern Ontario District
Suite 401
277 Front Street West
Toronto Ontario
M5V 2X7

23 April 1992

Your File: 25-OP-HA-080

Our File: TZ4500-H-08(3)

FAX: (416) 546-4364 (ONLY)

Regional Municipality of Hamilton-Wentworth
Planning and Development Department
119 King Street West, 14th Floor
Hamilton, Ontario
L8N 3V9

Attention Mr. David Godley

Dear Ms. Godley:

Re: City of Hamilton - Official Plan Amendment No. 80

We have reviewed your submission dated 13 March 1992 regarding the above and have no objections.

Yours truly,

J. M. Murphy, C.E.T.
Engineering Technologist
416-860-2618
For: M.P. Murphy, P.Eng
Manager Engineering Services

/jmm

Fe)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: July 30, 1992
(P5-5-5-1)

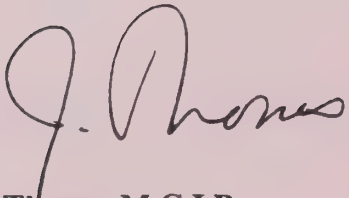
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms,
Commissioner of Planning and Development

SUBJECT: Conformity Exercise: The Niagara Escarpment Plan/
Hamilton Official Plan

RECOMMENDATIONS:

- A) That City Council endorse the Official Plan policies and modifications to Schedule "B" - Special Policy Areas contained in the draft Order Made Under The Niagara Escarpment Planning and Development Act, attached hereto and marked Appendix "A";
- B) That staff of the Local Planning Branch initiate discussions with the Niagara Escarpment Commission, the Ministry of Municipal Affairs and the Ministry of the Environment to prepare zoning by-laws that will replace the development control system administered by the Niagara Escarpment Commission for lands designated Escarpment Protection and Urban in the Niagara Escarpment Plan; and,
- C) That the Region of Hamilton-Wentworth, the Niagara Escarpment Commission, the Minister of Municipal Affairs and the Minister of the Environment be advised of:
 - i) City Council's endorsement of the Official Plan policies and modifications to Schedule "B" - Special Policy Areas in regard to the Niagara Escarpment Plan conformity exercise; and,
 - ii) The intent of the City of Hamilton to develop zoning by-laws to replace the development control system administered by the Niagara Escarpment Commission for lands designated Escarpment Protection and Urban in the Niagara Escarpment Plan.



J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1973, the Provincial Government introduced legislation establishing a new system of land use planning for lands encompassing, and immediately adjacent to, the Niagara Escarpment. The Niagara Escarpment Planning and Development Act established the Niagara Escarpment Commission (NEC), put in place a development control process involving the issuance of "development permits" for lands within the jurisdiction of the NEC and set out a process for the development of a "Niagara Escarpment Plan".

Since the legislation came into effect, the development permit system has superseded municipal zoning and site plan control for the lands under NEC development control in Hamilton. Accordingly, individuals/corporations wishing to change a particular land use, build an addition to an existing structure or propose new construction, must submit an application directly to the NEC rather than the City. Staff of the NEC subsequently forward the development application to the City of Hamilton, but for comment and information only. After receiving the comments of the City and other agencies, NEC staff prepare a report for the Niagara Escarpment Commissioners, which then make a decision on the particular application.

The Niagara Escarpment Plan (NEP), which was approved by Provincial Cabinet in June, 1985, differentiated Niagara Escarpment lands into a number of designations that responded to the geo-physical characteristics of the lands and their proximity to the Escarpment (see Appendix "B" for a map of these designations in the City of Hamilton). In addition, the Plan provides a framework for municipalities to assume greater land use planning control for lands under NEC jurisdiction than what they had before.

As a first step to assuming greater municipal planning control, municipal official plans would have to be brought into conformity with the Niagara Escarpment Plan: since the NEP is a Provincial land use plan, the policies take precedence over municipal official plan policies.

The City of Hamilton Official Plan, approved by the Minister of Municipal Affairs and Housing on June 1, 1982, recognizes the Niagara Escarpment as a unique feature of the community whose attributes should be protected and preserved. However, the policies of the Official Plan reflect the policies and intent of the draft Niagara Escarpment Plan of 1980. Since that time and the approval of the NEP in 1985, the NEP has been revised and updated. The Hamilton Official Plan therefore requires modification to reflect and be in conformity with the approved NEP.

As a result, Planning and Development Committee in August, 1988, endorsed a work proposal that would bring Hamilton's Official Plan into conformity with the Niagara Escarpment Plan; funding of \$10,000 was secured from the Provincial Government for this exercise.

After Hamilton's Official Plan has been deemed by the Minister of the Environment to be in conformity with the NEP, the Hamilton Zoning By-law would then have to be brought into conformity with development criteria established by the NEC. After the Zoning By-law conformity has been completed, the City would be in a position to formally request the Minister of the Environment to rescind the Development Control Area in the City of Hamilton and reinstitute zoning and site plan control. It should be noted, however, that Hamilton will be one of the first municipalities in Ontario to bring its zoning by-law into conformity with the development objectives of the Niagara Escarpment Plan and the NEC will likely proceed very cautiously as this exercise evolves.

NIAGARA ESCARPMENT PLAN CONFORMITY EXERCISE - PROCESS:

The process of bringing the Hamilton Official Plan into conformity with the Niagara Escarpment Plan involves four steps:

1) **Identification of the "conflicts" and outdated policies between the NEP and Hamilton Official Plan -**

Since the NEP is a Provincial plan, the local Official Plan must conform to the NEP. A "conflict" occurs where the local Official Plan allows a use not permitted by the Niagara Escarpment Plan. Further, a conflict might also be identified where the local Official Plan does not address a specific aspect or feature of the various policies included in the Niagara Escarpment Plan.

As an example, within the Open Space designation of the Hamilton Official Plan, limited commercial uses which are ancillary to and support the primary Open Space use are permitted (policy A.2.4.2). In the NEP, however, such commercial uses are not permitted in areas designated Escarpment Natural and Escarpment Protection (see map in Appendix "B").* Accordingly, the Open Space policies within the Official Plan must be modified to restrict ancillary commercial uses within the areas of the NEP designated Escarpment Natural and Escarpment Protection.

In addition, there are several Official Plan policies which have become outdated as a result of the Provincial approval of the NEP in 1985. The conflicts and the outdated policies between the two Plans have been identified by staff of the Planning and Development Department and the Niagara Escarpment Commission.

2) **Resolution of the "conflicts" and modification of the policies and schedules in the Hamilton Official Plan -**

This step involved drafting the specific changes required to the policies and schedules of the Hamilton Official Plan acceptable to the Niagara Escarpment Commission and the City of Hamilton.

The conflicts have been identified and modifications to the Official Plan policies and schedules have been prepared by staff of the Planning and Development Department and the Niagara Escarpment Commission.

3) **A draft Conformity Order is issued and Hamilton City Council endorsement is required -**

Although the conformity exercise involves changes to the Official Plan, the requirements associated with a formal Official Plan amendment under Section 17 of the Planning Act are not necessary. There are no public meetings required or the preparation of a formal Official Plan Amendment document; the conformity exercise is regarded as an administrative task as the local official plan must conform to the Provincially-approved Niagara Escarpment Plan.

* "Escarpment Natural" is defined in the Niagara Escarpment Plan as "Escarpment features and associated stream valleys, wetlands and forests which are relatively undisturbed." Further, the NEP adds that these areas contain "important plant and animal habitats and geological features and are the most significant natural and scenic areas of the Escarpment."

In regard to "Escarpment Protection", the NEP notes "Escarpment Protection Areas are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

Instead of these procedures, the Minister of Environment will issue a "Conformity Order" prepared under Section 15(2) of the Niagara Escarpment Planning and Development Act. The Conformity Order will also formally indicate that the Hamilton Official Plan is deemed not to be in conflict with the Niagara Escarpment Plan.

The draft Conformity Order for the Niagara Escarpment Plan - Hamilton Official Plan conformity exercise is attached as Appendix "A" and reflects the modifications required to address the identified conflicts between the two Plans. This draft Conformity Order requires the endorsement of City Council.

4) **The Niagara Escarpment Commission forwards the draft Conformity Order and City Council's endorsement to the Minister of the Environment -**

Upon receipt of endorsement of the draft Conformity Order, the NEC forwards City Council's endorsement, the draft Conformity Order and other supporting material to the Minister of the Environment. The Minister then formally issues the Conformity Order and deems the Hamilton Official Plan not to be in conflict with the Niagara Escarpment Plan.

MODIFICATIONS REQUIRED TO THE HAMILTON OFFICIAL PLAN:

As the Niagara Escarpment Plan is a Provincial plan, it takes precedence over a local Official Plan. There are areas within the NEP that are more restrictive than the Hamilton Official Plan and these are identified as conflicts. In this regard, a number of policies in the Official Plan need to be modified to limit such uses in accordance with the policies regarding Escarpment Natural and Escarpment Protection of the Niagara Escarpment Plan. These policy modifications are reflected in the draft Conformity Order attached as Appendix "A".

A number of conflicts were identified in regard to the Official Plan policies pertaining to Schedule "A" - Land Use Concept of the Official Plan. The specific conflicts are as follows:

- ° The vast majority of lands in the Niagara Escarpment Plan are designated Open Space on Schedule "A". The permitted uses in the Open Space designation of the Official Plan are consistent with the permitted uses of the Escarpment Protection and Escarpment Natural designations of the NEP with the exception of "commercial uses" (policy A.2.4.2).

A modification is required to the Open Space policies indicating that commercial uses which are ancillary and support the primary Open Space use will not be permitted in areas designated Escarpment Natural and Escarpment Protection in the NEP.

- A small parcel of land in the west end of the City is designated Institutional which overlaps with the NEP designation Escarpment Protection. This parcel is presently undeveloped and is situated at the border with the Town of Ancaster, north of Main Street, and is owned by McMaster University. Permitted uses in the Institutional designation of the Official Plan are consistent with the permitted uses of the Escarpment Protection and Escarpment Natural designations of the NEP provided that only "small-scale" institutional uses are permitted.

A modification is required to the Institutional policies indicating that only small-scale institutional uses are permitted in areas designated Escarpment Natural and Escarpment Protection in the NEP.

- A small parcel of land designated Industrial is located immediately south of the former Toronto, Hamilton & Buffalo rail lines (now Canadian Pacific) and east of Highway #403 and includes a portion of the switching yards. The permitted uses in the Industrial designation of the Official Plan are not permitted in the Escarpment Protection and Escarpment Natural designations of the NEP.

A modification is required to the Industrial policies indicating that Industrial uses are not permitted in areas designated Escarpment Natural and Escarpment Protection in the NEP.

- There are three water reservoirs designated Utility uses in the Official Plan that overlap with the Escarpment Natural designation. The approximate location of these reservoirs are as follows:

- in the west end of the City, immediately south of Highway #403 and north of Scenic Drive;
- north of Beckett Drive between Dundurn Street South and Queen Street South; and,
- in the east end of the City, bordering the City of Stoney Creek and immediately east of Greenhill Avenue.

In addition, a small portion of the Ontario Hydro Transmission Corridor lands immediately north of Highway #403 in the west end of the City are also designated Utility in the Official Plan and fall within the Escarpment Natural designation of the NEP.

These specific uses are consistent with the permitted uses of the Escarpment Natural designation; however, a modification is required to the Utility policies indicating that only "essential" utility facilities are permitted in areas designated Escarpment Natural.

These modifications are minor and only apply to the Official Plan designations in the City that overlap with the Escarpment Protection and Escarpment Natural designations of the NEP. The actual Official Plan policy modifications are contained in the draft Conformity Order (attached as Appendix "A").

In addition to the policy modifications noted above, a number of minor text changes have been requested by the NEC to existing Special Policy Area policies that overlap the NEP. The intent of these text changes is to ensure that any proponent of development or redevelopment in these areas are aware of the policies, Development Criteria and permitted uses detailed in the Niagara Escarpment Plan. This essentially serves as a "red flag" to others not aware of the NEP policies and requirements.

Schedule "B" - Special Policy Areas has also been modified to reflect the current designations of the NEP. Special Policy Area 1 will be differentiated into three subsections to correspond with the three NEP designations applicable in the City of Hamilton (Escarpment Natural, Escarpment Protection and Urban). The policies for Special Policy Area 1 (Subsection A.2.9.1 - Niagara Escarpment) have been modified and expanded as well to reflect the language and terminology of the approved Niagara Escarpment Plan.

CONCLUSION:

The modifications to Schedule "B" - Special Policy Areas and the policies of the Hamilton Official Plan that will bring the document into conformity with the Niagara Escarpment Plan are acceptable. Staff from the Planning and Development Department and Niagara Escarpment Commission have been involved continually in the Hamilton Official Plan/Niagara Escarpment Plan conformity exercise and are comfortable with the modifications.

Unlike other municipalities, the Niagara Escarpment Plan covers a relatively small portion of the City of Hamilton. In addition, the typography of lands in Hamilton designated Escarpment Natural by the Niagara Escarpment Plan are not conducive to any form of development. In this regard, the Official Plan modifications to further protect this important natural resource should have no impact on future development patterns in the City.

Once the Hamilton Official Plan is deemed to be in not in conflict with the Niagara Escarpment Plan by the Minister of the Environment, the City can begin discussions with the Niagara Escarpment Commission, the Ministry of Municipal Affairs and the Ministry of the Environment to develop a process and a framework for bringing the Hamilton Zoning By-law into conformity with the Development Objectives and Criteria of the Niagara Escarpment Plan. Continuing this conformity process is desirable as the City at some future point in time will be in a position to exercise some degree of control through its zoning by-law for any development or redevelopment in these areas.

KE/

APPENDIX "A"

The Draft Conformity Order

**Policy and Schedule Modifications
to the City of Hamilton Official Plan**

ORDER MADE UNDER
THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,
R.S.O. 1990, CHAPTER N. 2

ORDER

Under subsection 15(2) of the Niagara Escarpment Planning and Development Act,

IT IS ORDERED THAT

The Official Plan for the City of Hamilton is amended as follows:

- 1) Amend Subsection A.2.3 - Industrial Uses by adding the following new clause:

"A.2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas.

Within this area, existing industrial uses are recognized. Minor expansions, as well as changes in the use and replacements, may be permitted where it can be demonstrated that the objectives of the applicable Niagara Escarpment Plan designation are met."

- 2) Amend Subsection A.2.4 - Open Space by adding the following additional paragraph to the end of Clause A.2.4.2:

"Notwithstanding the foregoing, limited commercial uses which are ancillary to and support the primary OPEN SPACE use are not permitted on lands designated OPEN SPACE on Schedule "A" which are designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas."

- 3) Amend Subsection A.2.6 - Major Institutional Uses by adding the following new clause:

"A.2.6.6 Notwithstanding Policy A.2.6.1, only small-scale institutional uses are permitted on lands designated INSTITUTIONAL on Schedule "A" which are

designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas. In this context, "small-scale" means a building having a floor area of not more than 460 m² (5,000 square feet)."

- 4) Amend Subsection A.2.7 - Utility Uses by adding the following new clause:

"A.2.7.6 Notwithstanding the foregoing, within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas, only essential utility facilities are permitted. Within the Niagara Escarpment Plan Area, "essential" means that which is deemed necessary to the public interest after all alternatives have been considered."

- 5) Amend Subsection A.2.9.1 - Niagara Escarpment by deleting the entire subsection and replacing it with the following:

"It is the intent of this Plan to preserve the valuable attributes of the NIAGARA ESCARPMENT throughout the City, to recognize the potential of so doing through the actions of the NIAGARA ESCARPMENT Commission, and to conform with the policies of the NIAGARA ESCARPMENT Plan.

A.2.9.1.1 The City of Hamilton Official Plan has been brought into conformity with the Niagara Escarpment Plan, as approved by Provincial Cabinet in June, 1985 and subsequent Amendments approved prior to January, 1992. In the event of conflict between this Plan and any policies of the Niagara Escarpment Plan, the more restrictive policies will prevail.

A.2.9.1.2 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 are located within the Niagara Escarpment Plan. To implement the Niagara Escarpment Plan, SPECIAL POLICY AREA 1 is subdivided, as shown on Schedule "B", into Special Policy Areas "1a", "1b" and "1c".

The outer boundary of the area covered by the Niagara Escarpment Plan is fixed and inflexible, and can be changed only by an Amendment to the Niagara Escarpment Plan. The internal boundaries between designations within the Niagara Escarpment Plan, however, are less definite except where they

are formed by such facilities as roads, railways and electrical transmission lines. The exact delineation of designation boundaries on specific sites will be done by the implementing body through the application of the designation criteria contained in the Niagara Escarpment Plan utilizing the most detailed or up-to-date information available and site inspections. Such designation boundary interpretations will not require amendments to the Niagara Escarpment Plan."

A.2.9.1.3 The following policies apply to the areas shown on Schedule "B" - Special Policy Areas as Special Policy Areas "1a", "1b" and "1c":

i) Special Policy Area "1a" - Escarpment Natural Area - is based on maintaining the most natural Escarpment features, stream valleys, wetlands, related significant natural areas as well as maintaining and enhancing the landscape quality of Escarpment features. Compatible recreation and conservation activities will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- non-intensive recreation uses relating to nature viewing and trail activities (excluding the use of trail bikes or all-terrain vehicles);
- forest, wildlife and fisheries management;
- archaeological activities;
- essential transportation and utility facilities;
- essential watershed management and flood and erosion control projects;
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them; and,
- uses permitted in approved park master or management plans.

New lots may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body.

ii) Special Policy Area "1b" - Escarpment Protection Area - encompasses Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. In addition, the Escarpment Protection Area policies are directed at maintaining the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity. Agriculture, forestry and recreation will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- recreational uses which are oriented to the land rather than requiring the building of major structures;
- forest, wildlife and fisheries management;
- archaeological activities;
- transportation and utility facilities;
- watershed management and flood and erosion control projects; and,
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them.

New lots may be created for the purpose of correcting conveyances, enlarging existing lots, or through acquisition by a public body (provided no new building lot is created).

iii) Special Policy Area "1c" - Urban Area - is based on minimizing the impact and further encroachment of urban growth on the Escarpment environment. Accordingly, the following development objectives are paramount:

- a) All development will be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for

adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.

- b) New development will not encroach into the Escarpment Natural or Escarpment Protection Areas.
- c) New lots will not be created to include the Escarpment Natural or Escarpment Protection Areas.
- d) Lots will not be enlarged to extend into the Escarpment Natural or Escarpment Protection Areas in order to provide for more development.
- e) New lots may include the Escarpment Natural or Escarpment Protection Area designation under the following circumstances:
 - (i) correcting conveyances;
 - (ii) where the land in the Escarpment Natural Area or Escarpment Protection Area is to be acquired by a public body; and,
 - (iii) enlarging existing lots provided no further fragmentation of the Escarpment Natural Area or Escarpment Protection Area would result and provided there is sufficient area in the Urban Area to accommodate the proposed development.
- f) Adequate public access to the Escarpment will be provided by such means as parking areas, walkways or pedestrian trails (e.g., Bruce Trail).
- g) Development proposals will be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance.

- h) Growth will be compatible with and provide for the protection of unique ecologic areas, wildlife habitats, streams and water supplies and other environmentally sensitive areas both inside and adjacent to Urban Areas.

- A.2.9.1.4 It is intended that Development within Special Policy Area "1c" - Urban Area -will be subject to Zoning and Site Plan Control. In the interim, a Development Permit will be required from the Niagara Escarpment Commission, as determined by Ontario Regulation 685/80, until such time as the City is delegated this responsibility.
- A.2.9.1.5 Special Policy Area "1a" - Escarpment Natural - and Special Policy Area "1b" -Escarpment Protection - fall within the Development Control Area, regulated by the Niagara Escarpment Commission (N.E.C.) as defined by Ontario Regulation 685/80 as amended. Any change in use of any land, building or structure requires a Development Permit from the N.E.C., including the construction, alteration or demolition of a building or structure, unless specifically exempted by the regulations.
- A.2.9.1.6 All proposals for development occurring in the Niagara Escarpment Plan Area (Special Policy Areas "1a", "1b" and "1c") will conform to the policies, permitted uses and Development Criteria outlined in the Niagara Escarpment Plan.
- A.2.9.1.7 All proposals for development in the Niagara Escarpment Plan Area, will conform to the Official Plan of the City of Hamilton and the Official Plan of the Regional Municipality of Hamilton-Wentworth and requirements established by the Niagara Escarpment Plan. In the event of conflict between the policies of this Plan, the Regional Plan and the Niagara Escarpment Plan, the more restrictive policies will prevail.
- A.2.9.1.8 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the Niagara Escarpment or lands in its vicinity.

A.2.9.1.9 Council will co-operate with the Ministry of Natural Resources to ensure the development and administration of the Niagara Escarpment Parks System, including the Mount Albion Conservation Area, fulfils the following objectives:

- i) to protect the most significant features of the natural and cultural landscape of the Niagara Escarpment area;
- ii) to provide a wide variety of Escarpment-related outdoor recreation opportunities;
- iii) to provide opportunities for exploration and appreciation of the natural and cultural heritage of the Niagara Escarpment; and,
- iv) to support tourism by providing opportunities for discovery and enjoyment by Ontario's residents and visitors.

A.2.9.1.10 Council may investigate and support the provision of walkways along and across the Escarpment in order to permit pedestrian access between the Lower and Upper City.

A.2.9.1.11 Council will encourage the responsible authorities to undertake appropriate measures to preserve the integrity of the remaining natural areas of the Niagara Escarpment and lands in its vicinity.

A.2.9.1.12 Council recognizes the importance of the Bruce Trail as a way of exploring and appreciating the natural and cultural heritage of the Niagara Escarpment."

6) Amend Subsection A.2.9.3 - Other Policy Areas as follows:

(a) Add the following new Clause to A.2.9.3.1 for Special Policy Area 3:

"xiii) Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to

suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- (b) Add the following new Clause paragraph to the end of Clause A.2.9.3.5 for Special Policy Area 7:

"Any development within this area must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- (c) Add the following additional paragraph to the end of Clause A.2.9.3.9 for Special Policy Area 11:

"Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 7) Amend Subsection A.3.1 - Hazard Lands by adding the following new clause:

"A.3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas - are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are schematically shown as HAZARD LANDS on Schedule "C" to this Plan. In this regard, any development must be in accordance with the permitted uses and the Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. Proponents for development or redevelopment within these designated lands are encouraged

to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 8) Amend Subsection A.3.2 - Environmentally Sensitive Areas by adding the following new clause:

"A.3.2.10 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas - are recognized as being ecologically significant. These areas are schematically shown as ENVIRONMENTALLY SENSITIVE on Schedule "D" to this Plan. In this regard, any development must be in accordance with the permitted uses and the Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. Proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

- 9) Amend Subsection A.3.3 - Non-Complying Uses by adding the following new clause:

"A.3.3.5 Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas, which do not conform to the permitted uses contained in the Niagara Escarpment Plan shall be recognized as "existing uses". In addition to Policy A.3.3.1, an existing use may expand, change its use or be replaced, when it can be demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met."

- 10) Amend Subsection A.3.4 - Division of Land by adding the following new clause:

"A.3.4.2 Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas, must conform to New Lots Policies of the

relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan."

11) Amend Subsection B.3.1 - Road Network by:

(a) Adding the following additional paragraph to Clause B.3.1.18:

"Notwithstanding the foregoing, temporary licensed wayside pits or quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas."

(b) Adding the following new clause to the subsection:

"B.3.1.21 Notwithstanding the foregoing policies of this Subsection, only essential transportation facilities will be permitted within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas. In addition, all transportation facilities proposed within the area of the Niagara Escarpment Plan must conform to the policies of that Plan."

12) Amend Subsection D.8 - Interpretation by adding the following new clause:

"D.8.6 The lands shown on Schedule "B" as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan. Any development within this area must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan."

13) Amend Schedule "B" - Special Policy Areas by delineating the Escarpment Natural Area, Escarpment Protection Area and Escarpment Urban Area in accordance with the attached modified Schedule "B".

special policy areas

REFER TO
POLICY

AREA

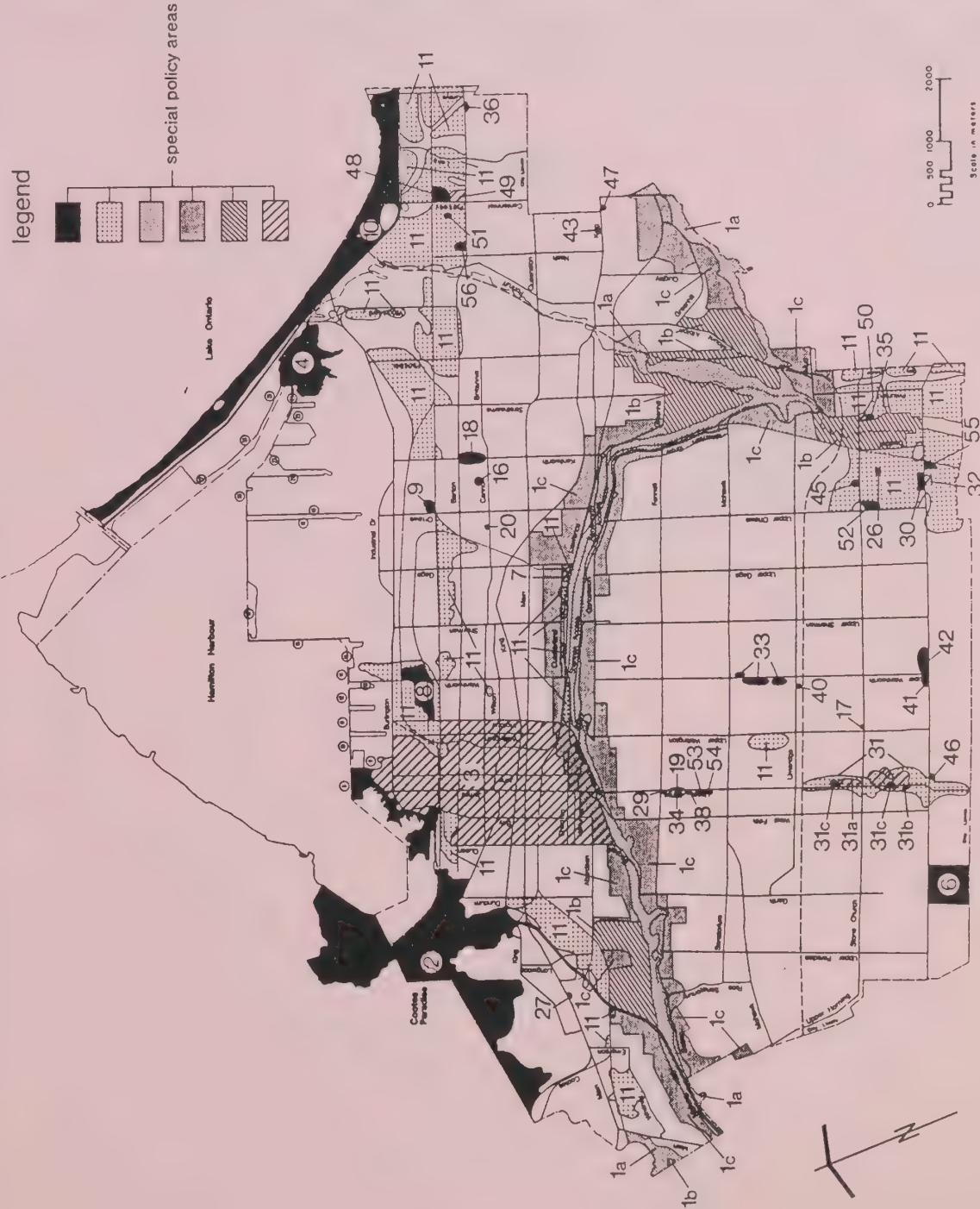
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Refer to Schedule B-1 for Special Policy Areas
in the Downtown

schedule B

to the official plan
for
the city of Hamilton

92 05 05



APPENDIX "B"

**Designations of the Niagara Escarpment Plan
in the City of Hamilton**

[illegible]

ESCARPMENT NATURAL
AREA

ESCARPMENT PROTECTION
AREA

URBAN AREA

**NIAGARA
ESCARPMENT
PLAN**

90 11 01

CITY OF HAMILTON

- RECOMMENDATION -

RECEIVED

AUG 12 1992

CITY CLERKS

DATE: 1992 August 12
DA-92-27 (DA-91-67)
Rymal Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. Thoms, M.C.I.P.
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-27 to amend DA-91-67
for an office, industrial and commercial development at the
south-east corner of Upper Ottawa and Stone Church Road East

RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-27 to amend DA-9167 by Taba Developments Ltd., owner of the lands at the south-east corner of Upper Ottawa and Stone Church Road East for an office, industrial and commercial development subject to the following:

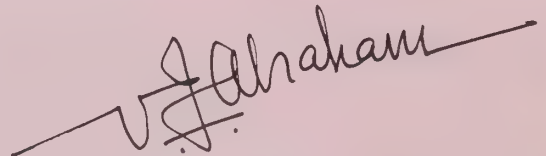
- a) incorporation of the approved plans in a Site Plan Agreement, to be registered on title to indicate the condominium lines/dividing lines of property;
- b) approval from the Committee of Adjustment for the following variances:
 - i) a 0.0 m southerly side yard for Building "C" where a 6.0 m side yard is required;
 - ii) a 0.0 m northerly side yard for Building "D" where a 6.0 m side yard is required;

- iii) a 6.0 m front yard setback for the ground sign where 11.4 m is required;
 - iv) provision of the manoeuvring space for 9 parking spaces for Phase II (Buildings B & C) over Phase I (Buildings D and E) where it should be provided on the same lot.
- c) provision of a right-of-way for the southerly driveway for the portion located on the adjoining lands known as 1453 Upper Ottawa Street.

EXPLANATORY NOTE:

Since a condominium application has been made to provide condominium lines to the proposed buildings of the commercial, office and industrial development, it is necessary to modify the registered agreement as approved in DA-91-67 to provide for these lines. For this reason, a new Site Plan Agreement will be registered on title.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted to amend DA-91-67 for the provision of condominium lines on the proposed office, industrial and commercial development on the south-east corner of Upper Ottawa and Stone Church Road East.

NOTE:

It should be noted that the applicant intends to Phase the development and construct Building "D" and "E" prior to the construction of Buildings "B" and "C". A note to this effect has been placed on the plans.

COMMENTS RECEIVED:

The Building Department has advised the following:

1. Building "C" requires a 6.0 m southerly side yard.
2. Building "D" requires a 6.0 m northerly side yard.
3. The ground sign must be at least 11.4 m from the front lot line.
4. The manoeuvring space for some of the required parking spaces of Phase II (Building B & C) is not provided on the same lot.
5. This proposed development is known as 1429, 1435, 1441 and 1447 Upper Ottawa St.
6. A right of way is required for the southerly driveway for the portion located on the adjoining lands known as 1453 Upper Ottawa St.

The Traffic Department in their attached comments and plan has made recommendations regarding the main access and the truck access. Also, the applicant must apply for, and receive a Driveway Approach Approval through the Traffic Department.

The Roads Department has indicated that since this Site Plan Control Application deals only with a condominium application, they have no comments.

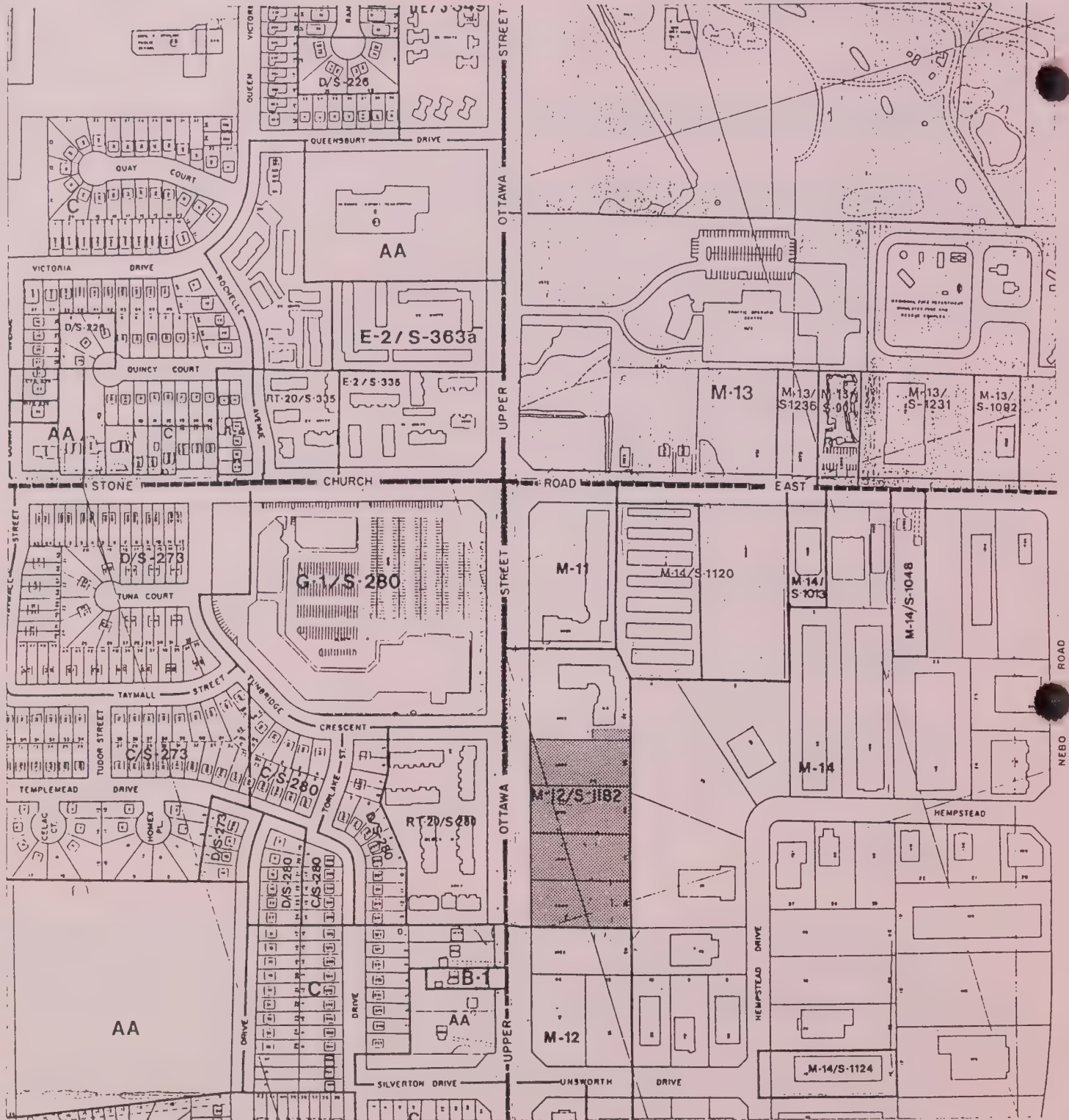
COMMENTS:

The site plan amendment proposes variances to the by-law with respect to the setbacks of the buildings and sign as well as parking. As these variances are minor in nature they can be supported. The applicant is advised to complete their Committee of Adjustment Application for these variances.

As the previous plans and drawings under DA-91-67 were registered on title as Instrument No. LT-320166, a resolution should be forwarded to City Council requesting that the plans and drawings of DA-92-27 amend the existing registered agreement.

QUINNDALE No. 110

TRENHOLME No. 131



TEMPLEMEAD No.129

RYMAL No.120

City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-92-27

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Site of the Application

North



Scale
1:5000

Date
MAY, 1992

Reference File No.
DA-92-27

Drawn By
E.C.



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 July 31

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

Re: DA-92-27

Southeast corner of Upper Ottawa Street and Stone Church Road

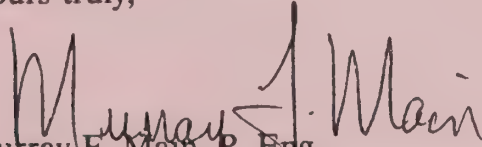
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In response to your letter of 1992 May 21, please be advised that we have reviewed this application and have the following comments.

As previously stated in our letter of 1992 April 03 to the applicant, we recommend that the main access be established in conjunction with the construction of Phase 1. In addition, the proposed phasing does not allow truck access around the rear of Phase 1. We have shown the required adjustment in red on the attached plan. As an alternative for the truck access, the applicants could extend the paving of the rear service driveway of Phase 1 to connect with the rear driveway of the existing building and property to the north. Although this may be the intent of the applicant, we request that these paving requirements be indicated on the site plan as a part of the construction of Phase 1.

We approve of the location of the access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

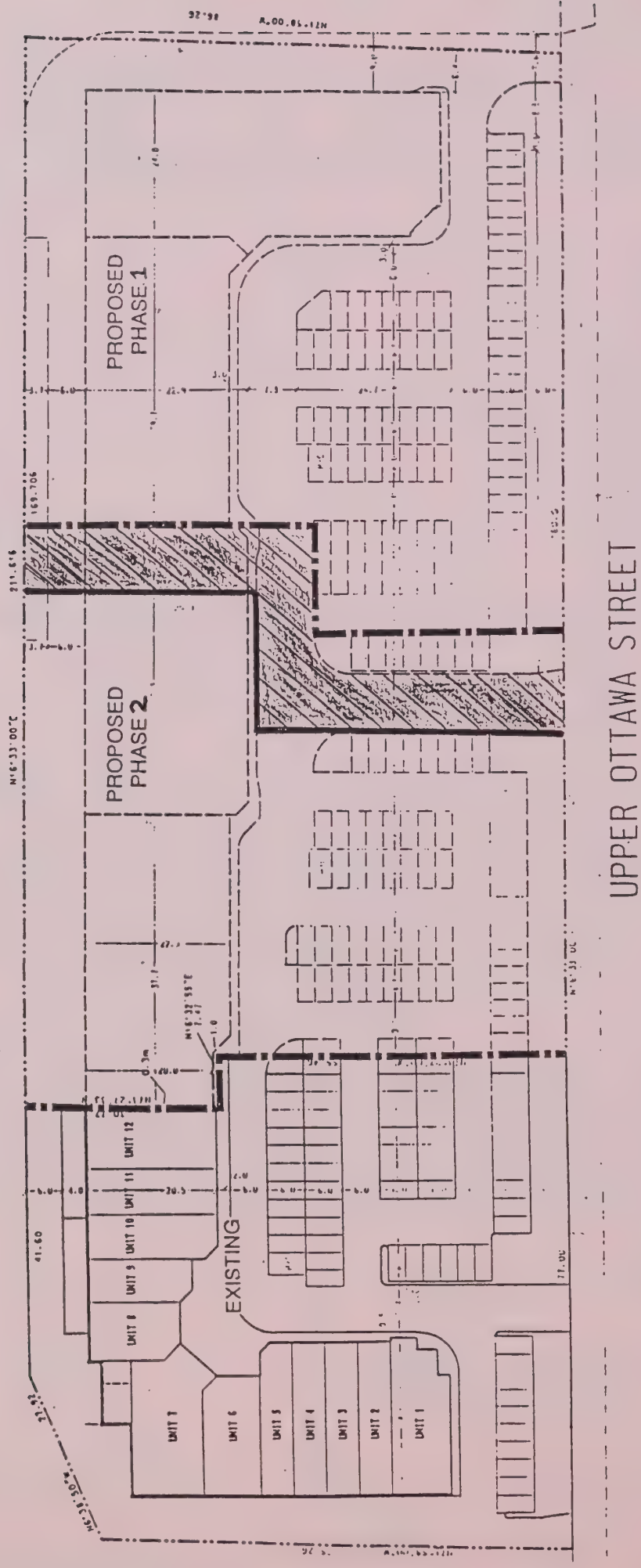
Yours truly,



Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/lp

Attach.

SCHEDULE B-5 Phasing Plan




 — Required for traffic circulation/access


 PROPOSED PHASING BOUNDARY



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
Transportation / Environmental Services Group

Roads Department
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416)546-4170
Fax (416)526-6665

E220-1809
E. Hicken
DA-92-27
(DA-91-67)

June 8, 1992

TO: J. Sakala,
Planning and Development

FROM: G. Aston,
Director of Programming and Development
Roads Department

SUBJECT: Site Plan Control Application DA-92-27 to amend DA-91-67 at
the south east corner of Upper Ottawa and Stone Church Road, Hamilton.

GRADING AND SERVICING

Since this application deals only with a condominium application for the above noted site, we have no comments.

Transportation has no comments.

EH:js *EH*

cc: L.J. Lanza P. Eng.
Manager, Subdivisions and Condominiums
Administration Section,
Regional Planning.

CITY OF HAMILTON

- RECOMMENDATION -

Fg)
RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 10
DA-92-29 (A-90-275)
Bartonville Neighbourhood

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-29 for an addition to a garage at
2117 King Street East in accordance with the decision for A-90:275

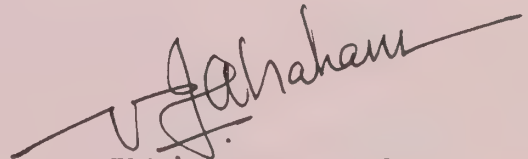
RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-29 by Mr. Russ Mackenzie, owner of the lands at 2117 King Street East for an addition to a garage, subject to the following:

- a) modification to plans related to notes and dimensions as marked in red on the plans; and,
- b) inclusion of the sizes of the proposed plantings in the landscape area as marked in red on the plans.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND:

Plans have been submitted for approval of a one storey addition on the north end of the existing automobile repair garage at 2117 King Street East. The applicant has applied for and received Committee of Adjustment approval to allow the addition to be located as close as 2.77 from the north lot line instead of the required 6.0m distance. This approval was subject to the provision of a 1.8 m high visual barrier along the northerly lot line, a minimum 3.0m landscape strip along the same lot line and that the lands be subject to approval of a site plan control agreement showing the proposed addition, visual barrier and landscaped area.

COMMENTS RECEIVED:

The Roads Department has advised the following:

1. The construction of this addition will not adversely effect the existing grading.
2. No road allowance widening are required.
3. They would like to see the proposed fence setback 3.0m from the streetline. Any works within the King St. E. or Cochrane Rd. road allowance must conform to the Region's Road Use By-Law or City of Hamilton Streets By-Law respectively.
4. Approval from the City of Hamilton Traffic Department is required for any new or altered access.

The Traffic Department has advised that the application is satisfactory.

The Building Department has no comment.

COMMENTS:

Modifications are required to the plan to clarify dimensions and notes as marked in red in the plan. Also plant material sizes should be clearly identified and have also been marked on the plan.

The plans are satisfactory subject to the modifications as marked in red.

TF/JPS/ma



Drawn By
H.V.

**CITY OF HAMILTON
- INFORMATION -**

Ga)

DATE: 1992 August 5

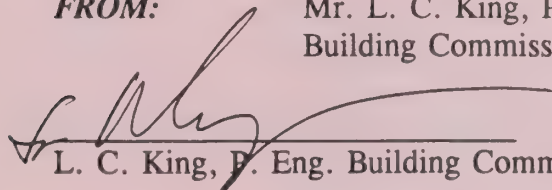
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REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

AUG 07 1992

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

CITY CLERKS


L. C. King, P. Eng. Building Commissioner

SUBJECT: 107 Stuart Street, Hamilton - Perimeter Fence

FINANCIAL IMPLICATIONS:

Cost of work to be approximately \$3,200.00 and will be recovered by placing on the tax roll as per By-Law 74-74.

BACKGROUND:

For many years, this property located opposite the Hamilton Bay has been used as an Auto Wrecking Yard. The fence surrounding the property has been allowed to deteriorate to such an extent that it does not perform its purpose properly and it also has become a hazard to persons in the surrounding area. There has been enforcement under the Property Standards By-Law over the years and some remedial work done by the owners, but only in a make shift fashion.

In 1991, once again due to major deterioration of the fence, and as a result of numerous complaints, the Building Department commenced action under the Property Standards By-Law and now have a final and binding Order. Discussions held with the property owners by the Building Department found that due to various complications with respect to the estate which owns the property and also present economic conditions, plans to develop the property in the foreseeable future are stalled. The scrapyards have been cleaned out, but if the perimeter fence is removed, the property will become a major dumping area. The owners do not want this to occur, but have indicated they do not presently have the resources to repair the badly deteriorated fence.

Therefore, because of the above, and because of the impending danger of leaving this fence unattended, it is the intention of the Building Department to have the fence repaired and reinforced, in order that it will eliminate the hazards and the eyesore it affords to this important approach area of the west end of the City. The cost of the work will be applied to the property and done at the owner's expense as per the Planning Act. Discussions have been held with the owners of the subject property and they are not in dispute with the above described actions being taken by the City. It is expected that this work will be completed by the first week of September.

DI/sb

CITY OF HAMILTON

- INFORMATION -

RECEIVED

JUL 30 1992

CITY CLERKS

DATE: 1992 July 16

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. L. King, P.Eng.
Building Commissioner

SUBJECT: Designated Property Grants

BACKGROUND:

The Building Department, Loans Division, was recently advised by the Province of Ontario that the approval procedures for the Designated Property Grant Programme were being substantially amended. The reason for the change was to allow the Province better control of their cash flow and to ensure there were sufficient funds to meet Municipal commitments. Previously, the Municipality would "front-end" the costs, and providing the Provincial Guidelines were met the Municipality would be reimbursed for money advanced. The Province, however, now wants City Council approval along with the application before they will make any commitment to funding. They have agreed to honour all Municipal commitments prior to June 30.

During the period from June 30 to August 31, all approved applications must be sent to the Ministry of Culture and Communications for approval. The Ministry will notify the municipality, in writing, by September 30 of the funding approval. They will not make any additional funding commitments this year after August 31. It should be noted that we did not receive this information until July 9, 1992 and only after we had inquired on another funding issue.

The end result of the new Provincial Guidelines will greatly curtail Programme take-up, as well as create delivery problems in relation to owners of heritage properties. It will be impossible for us to ensure availability of funding, nor will we be able to provide any assurances that prices obtained will still be valid when all the approvals are obtained. The loan approval process will now take several extra months, especially if the initial application includes the request to Designate. In fact, if this is the case, the process will take over a year.

At this time there appears that no action can be taken to counteract the Provincial decision, but we will be making a recommendation to the Province on how this problem can be addressed during the next fiscal year. This report is provided for information only.

Gc)

CITY OF HAMILTON

- INFORMATION -

RECEIVED

JUL 23 1992

CITY CLERKS

DATE: 1992 July 20

REPORT TO: Ms. T. Agnello, Secretary
Planning and Development Committee

FROM: Mr. D. Lobo,
Director of Public Works

SUBJECT: Barton General B.I.A.;
Mural Programme

BACKGROUND:

For the information of the Planning and Development Committee members, the Barton General Business Improvement Area along with the Public Works Department, the B.I.A. Co-ordinating Office and the MAD School of Arts have organized four half-day mural painting projects with children from the MAD School of Arts. These children have been and will be on location at the West Avenue School on July 20, August 05 and August 25/92 from 12:30 to 3:00 p.m. Once the murals have been completed, they will be installed at various locations along Barton Street on private property. It is the intention of the B.I.A. to brighten up their street, to provide some colour on some of the boarded up stores and to start to involve their B.I.A. members and surrounding community in the activities of their neighbourhood.

The Social Planning and Research Council and the City's Property Department have provided the West Avenue School front yard for this activity. H.S.R. has been kind enough to provide the children with bus tickets to get them to and from the West Avenue School and the MAD School of Arts. The Public Works Department and the Hamilton B.I.A. Co-ordinating Office have provided the wood for the mural painting and staff to assist in the organization of the events. The B.I.A. members and some local residents have also volunteered to assist with the events. We hope to gain permission from the General Hospital to install a sign on the green space at the corner of Victoria and Barton Streets to advise the public about the Project. An official unveiling ceremony will be scheduled for some time in August. If you are able to, please come down to the West Avenue School on any of the above dates in the afternoon to see what the events are all about.

JMcN:bk

cc: His Worship
Mayor R. Morrow

Mr. D. Carson, Executive Assistant
to the Mayor

Alderman D. Drury, Ward Three

Alderman B. Morelli, Ward Three

Mr. J. Pavelka, C.A.O.
Chief Administrator's Office

CITY OF HAMILTON

- INFORMATION -

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RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P.
Director of Local Planning

SUBJECT: Approved Site Plan Control Application.

BACKGROUND:

The following Site Plan Control Applications were approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

DA-92-01 - 1154 Rymal Road West

DA-92-07 - 24 Main St. W.

DA-92-13 - 95 Mary St.

CITY OF HAMILTON
- RECOMMENDATION -

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RECEIVED

AUG 14 1992

CITY CLERKS

DATE: 1992 August 13
(P5-4-2-20)
(CI-91-G)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

Proposed Provincial Regulations for Apartments in Houses - City of Hamilton Response

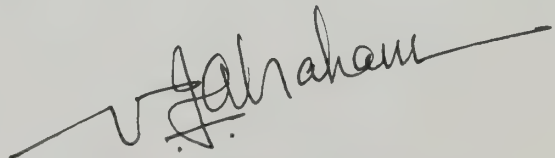
RECOMMENDATIONS:

- A. That the Planning and Development Committee recommend to City Council that the City of Hamilton:
- i) supports the concept of allowing an additional unit 'as-of-right' in residential districts provided the following standards are met:
 - 1) the additional unit shall be restricted to single-family dwellings only;
 - 2) the minimum unit size shall be 65 m²;
 - 3) the additional unit shall not be permitted in a cellar;
 - 4) the parking standards are: 1 space per unit up to 2 units; 1.33 space for each unit for 3 units and 1.25 spaces per unit for four or more units;
 - 5) the use of tandem parking and on-street parking not be considered as means of meeting the parking standards; and,
 - 6) the minimum ceiling height should be 2.1 m.
 - ii) requests the Province to clarify the terms 'unit', and 'street allowance;
 - iii) requests the Province to clarify, that if units are permitted below grade, what standards (i.e. Health By-law, Residential Rental Standards By-law) will be used to determine which units are acceptable;

- iv) requests the Province to clarify the legislation with respect to parking so as to ensure the City has the right to continue implementing roadway parking restrictions notwithstanding it may restrict additional units from being provided; to continue to allow the City to define the size of a parking space; and to allow the City to determine the appropriate on-street parking standard;
- v) supports the additional powers of entry for municipal officials;
- vi) requests the Province to explore all the legal (i.e. legal agreements) and planning (i.e. setbacks, etc.) implications of 'garden suites' (granny flats) before introducing legislation to permit them as temporary uses;
- vii) does not object to the clarification of the legislation dealing with unrelated people forming a single housekeeping unit provided it does not affect the City's ability to regulate such uses as lodging houses, rooming houses, boarding houses, group homes, residential and short term care facilities;
- viii) reaffirms its June 25, 1991 request to the Province:
 - 1) to fund a Pilot project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
 - 2) to increase the its allocation of non-profit and coop units to the City of Hamilton;
 - 3) to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected; and,
 - 4) to amend the Planning Act to clearly define "use" to include vacant units.

B. That the City Clerk be requested to notify the Ministers of Housing and Municipal Affairs of City Council's decision and the report dealing with the proposed Provincial regulations for Apartments in Houses be forwarded to the Province for information.

J. D. Thoms. M.C.I.P.,
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposed Provincial Regulations - Accessory Apartments

In June 1992, the Province prepared "A Consultation Paper on Legislative Amendments to allow one Apartment in a House". The proposed legislation would amend two existing laws: the Planning Act and the Municipal Act. The amendments would:

- "• allow people to have one apartment in their house without getting special permission from the municipality; an apartment in a house would be a "permitted use" which would be allowed on an "as-of-right" basis;
- allow for regulations which describe zoning or property standards that can apply to apartments in houses;
- improve the ability of municipal officials to obtain a search warrant to investigate problems with zoning or property standards;
- strengthen the rules which limit the authority of municipalities to make distinctions based on the relationship among people who share a home; and,
- help municipalities accommodate the creation of garden suites."

- City of Hamilton - Residential Housing Intensification Strategy

In July 1989, the Provincial Cabinet introduced a Policy Statement entitled Land Use Planning and Housing. The goal of the Policy Statement was to require municipalities 'to provide the opportunity' through amendments to Planning Documents (i.e. Official Plan, Zoning By-law etc.) for the provision of affordable housing.

One of the requirements of the Policy Statement was the completion and adoption of a "Housing Intensification Strategy". Housing Intensification is the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. **Converted dwellings is one component of housing intensification.**

In June 1991, City Council adopted a "Housing Intensification Strategy". The Strategy identified both Provincial Initiatives and Municipal Initiatives including: requesting the Province to amend the legislation to allow building officials greater powers of entry into dwellings; vigorous enforcement of existing Property Standards, Backyard By-laws; identifying and promoting sites for infill, conversion of non-residential to residential uses where conversions are appropriate; to target the Barton Street Commercial Strip as an area for conversion; general text amendments to the Zoning By-law to permit an accessory unit in various Districts; to amend the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to permit two accessory units whereas three are currently permitted; and to permit conversion of

buildings within the "H" (Community Shopping and Commercial, etc.) District to a maximum of 10 dwelling units provided the ground floor remains commercial and adequate parking is provided.

Many of the policies and actions adopted in the Housing Intensification Strategy are reflected in the Province's goals for housing. Specifically, the philosophy to allow additional units within the existing housing stock is supported by the City's Strategy. Furthermore, actions to amend the legislation to increase the powers of entry of building officials has been proposed, as suggested by the City.

It should be noted that extensive public participation was undertaken to determine appropriate policies and zoning regulations for housing intensification. This high level of participation is invaluable in developing a workable plan for the Hamilton community which has different characteristics from other municipalities within the 'Golden Horseshoe'. In this regard, a 'made at home' solution would be more widely accepted than a Provincial Plan which does not recognize unique features of the community and local experiences.

Furthermore, under the Planning Act, the municipalities have been given the right to adopt Official Plans, pass Zoning By-laws etc. for the purpose of planning communities. Accordingly, implementation of the Province's regulations clearly takes away these rights under the Planning Act. Accordingly, the City of Hamilton strongly objects to this method of implementation.

COMPARISON BETWEEN PROPOSED PROVINCIAL LEGISLATION AND EXISTING AND PROPOSED MUNICIPAL BY-LAWS/REQUIREMENTS

There are four parts to the proposed legislation: zoning standards and property standards; improving powers of municipal entry; to allow unrelated people to form a single housekeeping unit; and to allow municipalities to permit garden suites (granny flats) for up to 10 years.

- **Zoning Standards for Additional Residential Unit**

The following chart illustrates the differences between the zoning standards proposed by the Province with those proposed in the Council adopted "Residential Housing Intensification Strategy"

<u>Requirement</u>	<u>Hamilton</u>	<u>Province</u>
Permits conversions for 1 additional unit	Single-family dwelling only	Single-family dwelling Semi-Detached dwelling Town House dwelling

Size of each unit	65 m ² (699.65 sq.ft.) for all units	Bachelor - 25 m ² (269 sq.ft.) Other - 32 m ² (344 sq.ft.)
Units below grade	Not Permitted in cellar	Permitted
Size of Residential Structure	No size requirement	No size requirement
Amenity Area for additional unit	Not required	Not required
To permit extensions of existing building to facilitate conversions	Proposed to be restricted to original building area only	Permitted in all Districts
Additional unit will not affect the floor area ratio (F.A.R.)	N/A	For purposes of of F.A.R., the additional unit not calculated
Parking		
• 1 unit	1 parking space	1 parking space
• 2 units	2 parking spaces	2 parking spaces
• 3 units	4 parking spaces	3 parking spaces
• 4 units	5 parking spaces	4 parking spaces
stacked parking	Not permitted	Permitted
on-street parking within 100 m of house considered as meeting standards of on-site parking	Not Permitted	Permitted
Parking in the front yard	Permitted provided 50% of front yard landscaped	Permitted
Additional parking space to be located in garage	N/A	Not Required

To legalize additional units which do not meet zoning standards such as yards, lot area, units size

Not permitted

Permitted

- Property Standards for Additional Residential Unit

The following chart illustrates the differences between the existing and proposed regulations in Hamilton and those proposed by the Province

<u>Requirement</u>	<u>Hamilton</u>	<u>Province</u>
Restriction on ceiling height in unit	2.1 m (6.9 ft.)	2.1 m (6.9 ft.) for minimum unit sizes
Egress requirements	Ontario Building Code	Standards from draft "Guidelines for Fire Safety in Small Multi Unit Residential Occupancies"

In addition, municipalities are not permitted to impose higher standards on two units for: area per resident; ventilation; indoor air temperature; outdoor storage; property maintenance, etc.

- Garden Suites (Granny Flats)

The Province is proposing to allow municipalities to pass Temporary Use By-laws for up to 10 years to permit garden suites and for the municipalities to enter into agreements with the owner or occupant of the suite to specify installation, maintenance, removal, etc.

The Province has not provided guidelines or standards dealing with the size or location of such uses. If this legislation was passed, then the City would have to develop a set of standards to permit the erection of such structures since it would be contrary to existing zoning regulations (i.e. setbacks, size, etc.).

Until all questions are answered, it appears to be premature to introduce such legislation.

- To allow Unrelated People to form a Single Housekeeping Unit

The Province is proposing to amend the Planning Act to further clarify the issue allowing "unrelated" people to live together in a single housekeeping unit. Apparently, some municipalities have defined unrelated people living together as rooming or boarding houses.

The City does not purport to regulate unrelated people living together as single housekeeping unit as a rooming of boarding house. In fact, the definition of 'family' in the Zoning By-law No. 6593 clearly allows unrelated people to live together as a single housekeeping unit:

"a person or group of two or more persons occupying premises and living as a single housekeeping unit, whether or not related by blood or marriage....."

It appears the City's definition of 'family' meets the proposed Provincial regulations.

However, it should be noted that the proposed amendment should not limit the City's right to regulate such uses as lodging houses, rooming houses, boarding houses, group homes, residential and short term care facilities.

- Increased Powers of Municipal Entry

At the present time, municipal officials when investigating property or zoning complaints may be denied entry. Should the officials wish to enter, they are required to obtain search warrants under the Provincial Offenses Act. One of the requirements of the search warrants is that an official must identify the evidence to be seized. Accordingly, the Province is proposing to allow municipalities to obtain search warrants without the need to identify the evidence to be seized; thereby making it easier to obtain search warrants.

The "Residential Housing Intensification Strategy" recommended that the Province:

"be requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed."

The proposed amendments to the above noted Acts would comply with the City's request for additional powers of entry by municipal officials.

ANALYSIS:

The proposed Provincial legislative amendments to permit one additional unit within existing residential buildings is similar in philosophy to Hamilton's Strategy for housing intensification. However, the standards or guidelines under which intensification can occur are more liberal than those adopted by City Council in June 1991.

The most significant differences are as follows:

- 1) *The Province will allow the establishment of an additional unit in single-family detached dwellings, semi-detached dwellings and townhouses whereas the City will allow them in single-family detached dwellings only.*

The "Housing Intensification Strategy" permits an additional unit in single-family detached dwellings in all districts (with the exception of "R-4"-Small Lot Single-Family Detached Dwelling) but not in semi-detached dwellings or townhouses. It is felt that significant "intensification" opportunities are provided by single-family detached dwellings without the need to allow it in areas characterized by small lots, townhouses or semi-detached dwellings.

In addition, the Province indicates that an increase in units from one to two cannot be considered as increasing density since the two units will still count as one unit for the purpose of density calculations. Density is the hallmark for determining appropriate land uses not to mention its use to determine the appropriate level of hard and soft services. It is unrealistic to turn a blind eye to the impacts of increasing the number of units may have on the community and its services.

Hamilton has a significant number of townhouse sites, which could effectively result in doubling the density in these concentrated areas. There may be impacts on existing hard and soft services due to the density increase and these cannot be ignored.

It should be noted that no Development Charges would be collected on these additional units. This could be a significant financial loss to the City.

- 2) *Size of Units*

The Province is proposing to establish a minimum unit size for bachelors at 25 m² (269 sq.ft.) and all other units at 32 m² (344 sq.ft.) whereas the City proposes to maintain a minimum unit size of 65 m² (699 sq.ft.) for all units. It is noted that the Province does not define 'bachelor unit'.

The City proposes to maintain a minimum unit size per dwelling in an attempt to ensure that additional living space would be adequate. It was felt the standards imposed under the Ontario Building Code were too small to provide 'quality' space for tenants. Furthermore, there was ample opportunity to create apartments with a minimum floor area of 65 m² within the City's existing housing stock.

In addition, it should be noted that the Province does not define residential unit in terms of its contents (i.e. number of bedrooms, kitchen, dining room, etc.) The Building Department has indicated that it is conceivable that a room of 269 sq. ft. could have a washroom, bed and table and be considered as an apartment. Given this these potential problems, the Province should clearly define the term 'unit'.

- 3) *Permitting Extensions of Existing Buildings to Facilitate Conversions*

The Province proposes to permit extensions or enlargements of an existing building to

facilitate conversions whereas the City would restrict conversions to the original building area.

The intent was to permit conversions in those homes which were large enough to support the conversion (i.e. 700 sq.ft. per unit). Concern was expressed that expansion of an existing home to allow for an additional unit may alter the character of residential areas. For example, there are areas on the Mountain, West and East Hamilton that are characterized by small one storey dwelling units. The introduction of extensions and enlargements of those existing dwellings could alter the established character and development pattern for the sake of permitting one extra unit.

The Building Commissioner has advised that since the 1940 date has been proposed to be removed, it is difficult to enforce the regulations that would restrict extensions and enlargements on existing buildings. In this regard, extensions and enlargements would be permitted in order to facilitate conversion.

Accordingly, this report is silent on the issue of extensions and enlargements.

4) *Units Below Grade*

The proposed legislation will permit units below grade, regardless of what percentage of the unit is below grade and provided it can meet natural lighting, egress and other applicable standards.

The City does not allow more than 50% of the unit to be provided below grade. The proposed Health By-law will require a minimum of 3.3 ft. from the floor to the window sill. These proposed regulations are consistent with the Fire Code regulations.

The Building Department notes there are a variety of standards available including those set by the Residential Rental Standards Board, the Health Department as well municipal by-laws such as Property Standards. The Province should clearly spell out the other "applicable standards" are so as to avoid inconsistent standards being applied by the various municipalities.

5) *Parking*

Number of Spaces

The Province's proposed parking standards for one and two dwelling units are the same as those for the City; however, the Province is proposing to permit parking at a ratio of 1 parking space per unit up to four units whereas the City wide standard is 1.33 spaces per unit for three dwelling units and 1.25 spaces for four or more dwelling units.

It is suggested that the City parking standards remain unchanged since the critical concern for the Province appears to be the parking standard for the one additional unit. Furthermore, there is no justification to require different parking standards for converted dwellings compared to new dwelling units.

It is noted the Province does not define the size of a parking space. The current City standard should be used for all parking spaces.

Stacked Parking

The Province proposes to permit stacked parking whereas the City requires all parking spaces to be free and clear of any obstruction.

Stacked parking is not a feasible parking arrangement since the tenants would be dependent on each other to move cars around. The inconveniences created by such an arrangement would likely lead to more on-street parking.

Permitting parking within 100 m of a residential structure

The Province is suggesting that if municipalities consider on-street parking as an acceptable to meet the parking requirements, then parking could be provided up to 100 m from the residential structure.

In the City of Hamilton, the required parking spaces must be on the same site as the residential structure. Off-site parking is not considered appropriate since there are no guarantees that parking on the street will be available. The Traffic Department has indicated that one of the goals of on-site parking is to remove cars from the street.

Furthermore, the Traffic Department has indicated that the use of on-street parking would conflict with the City's parking permit system which is used in areas where parking is at a premium. Increasing the demand for on-street parking will create additional parking problems resulting in illegal parking, traffic and safety concerns. On-street parking is not suitable for long term residential parking since it is restricted by time limits, hours of the day, week etc. The legislation should be clarified to ensure that municipalities have the right to determine what is appropriate on-street parking and how it can be applied to meet the parking standards for accessory dwelling units.

The Province should also make it clear that municipalities still have the right to implement parking restrictions on roadways, notwithstanding it may prohibit apartments in houses.

Front Yard Parking

The Province is proposing to permit parking in the front yard.

The issue of parking was one of the major concerns for City residents. Areas that were subject to residential conversion pressure began to undergo streetscape transformations. To meet the zoning by-law requirements for conversions, entire front yards were being paved over for parking purposes, thereby eliminating any landscaped area. To reduce the impact of parking on area residents, the "Strategy" proposed to permit one of the required parking spaces in the front yard provided at least 50% of the yard was retained for landscaping.

The City's proposed requirements meet the spirit of the proposed standard; however, landscaping a portion of the front yard is considered to be a very important in minimizing the impact on neighbourhood streetscapes.

It should be noted that allowing parking in the entire front yard may require the widening of the driveway ramps. In some cases, this may conflict with existing trees on public property. Consideration should be given to the balance the need of parking versus the retention of trees.

6) ***Minimum Ceiling height of 2.1 m***

The proposed legislation would not permit a ceiling height limit greater than 2.1 m for units above grade and 1.96 m for units below grade.

In the City's proposed Zoning By-law regulations, the introduction of a ceiling height is necessary to ensure that areas, such as attics with sloped roofs, have adequate living space.

Accordingly, it is appropriate to require a minimum ceiling height for all units.

7) ***Windows as a means of Egress***

The Fire Department has indicated that the minimum dimension of the window as a means of egress should be 0.56 m (1.9 ft.), as stipulated in the Ontario Fire Code, Sentence 9.9.2.4(2) instead of 0.38 m (1.25 ft.), proposed by the Province.

Other issues worthy of noting are as follows:

- 1) At first glance, the concept of providing 'granny flats' is supportable; however, the full legal and planning ramifications of providing this type of housing has not been explored.

There are serious questions about the legal agreements required to be entered into between the municipality and the applicant. How binding are these agreements? Are they enforceable? What happens when the occupant of the flat dies? How can these 'flats' be considered temporary when they will require sewer hook-ups, possibly foundations, etc.?

- 2) The City supports the Province's proposed legislative amendments to allow municipal officials the power of entry. This legislation will go a long way in helping the municipality to for improved living conditions through greater enforcement of zoning regulations and property standards.
- 3) The amendments to the Planning Act to clarify the issue of unrelated persons does not appear to affect the City provided it does not remove the City's rights to regulate such uses as lodging houses, boarding houses, group homes, etc.

ADDITIONAL REQUESTS MADE TO THE PROVINCE THROUGH THE HOUSING INTENSIFICATION STRATEGY

In addition to the issues noted above, City Council also requested the Province to undertake the following actions which have not been addressed to date:

- to fund a Pilot project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
- to increase the its allocation of non-profit and coop units to the City of Hamilton;
- to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected; and,
- to amend the Planning Act to clearly define "use" to include vacant units.

CONCLUSIONS:

Based on the above, the Planning and Development Committee should recommend to City Council that the City of Hamilton:

- i) supports the concept of allowing an additional unit 'as-of-right' in residential districts provided the following standards are met:
 - 1) the additional unit shall be restricted to single-family dwellings;
 - 2) the minimum unit size shall be 65 m²;
 - 3) the additional unit shall not be permitted in a cellar;
 - 4) the parking standards are: 1 space per unit up to 2 units; 1.33 space for each unit for 3 units and 1.25 spaces per unit for four or more units;
 - 5) the use of tandem parking and on-street parking not be considered as means of meeting the parking standards; and,
 - 6) the minimum ceiling height should be 2.1 m.
- ii) requests the Province to clarify the terms 'unit', and 'street allowance;
- iii) requests the Province to clarify, that if units are permitted below grade, what standards (i.e. Health By-law, Residential Rental Standards By-law) will be used to determine which units are acceptable;
- iv) requests the Province to clarify the legislation with respect to parking so as to ensure the City has the right to continue implementing roadway parking restrictions notwithstanding it may restrict additional units from being provided; to continue to allow the municipality to define the size of a parking space; and to allow the City to determine the appropriate on-street parking standard;
- v) supports the additional powers of entry for municipal officials;

- vi) requests the Province to explore all the legal (i.e legal agreements) and planning (i.e. setbacks, etc.) implications of 'garden suites' (granny flats) before introducing legislation to permit them as temporary uses;
- vii) does not object to the clarification of the legislation dealing with unrelated people forming a single housekeeping unit provided it does not affect the City's ability to regulate such uses as lodging houses, rooming houses, boarding houses, group homes, residential and short term care facilities;
- viii) reaffirms its June 25, 1991 request to the Province:
 - 1) to fund a Pilot project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;
 - 2) to increase the its allocation of non-profit and coop units to the City of Hamilton;
 - 3) to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected; and,
 - 4) to amend the Planning Act to clearly define "use" to include vacant units.
- ii) That the City Clerk be requested to notify the Ministers of Housing and Municipal Affairs of City Council's decision and the report dealing with the proposed Provincial regulations for Apartments in Houses be forwarded to the Province for information.

JH-E/dkp

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2b)

CITY OF HAMILTON
- RECOMMENDATION - RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 July 29
(CI 91-G)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

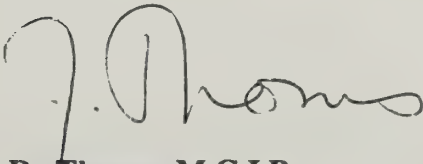
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Housing Intensification Strategy - Request for Direction

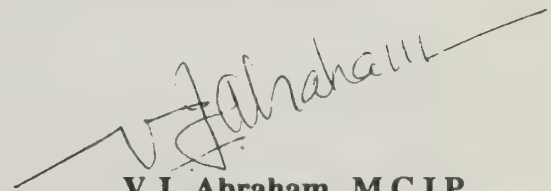
RECOMMENDATION:

That the Planning and Development Department requests direction from the Planning and Development Committee concerning the process for the implementing zoning by-law required as a result of the adoption of the Housing Intensification Strategy, adopted by City Council on June 25, 1991.

Note: If the Committee wishes to proceed with the recommendations to implement the Housing Intensification Strategy, then authorization to hold public meetings should be given.



J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development



V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

At the present time, the Planning and Development Department has prepared recommendations for changes to the zoning by-law, attached as APPENDIX "A", required to implement the Housing Intensification Strategy, as adopted by City Council in 1991.

The aim of the Province is to have the legislation introduced in the House of Commons in the Fall and the law enacted in the Spring.

A report was prepared by the Building, Traffic, Law, Fire and Planning and Development Departments commenting on the proposed regulations.

Given the introduction of the Province's regulations, the City has two options for proceeding with the implementing zoning by-law for Housing Intensification:

- **Option 1 (Preferred Staff Option)**

The City can proceed with the necessary implementing zoning by-law. Public meetings are required to be held, in accordance with Section 34 of the Planning Act and could be scheduled for this Fall. If City Council passes the by-law then any amendments, as required by Provincial legislation, could be done at that time.

Advantages

- 1) City Council has adopted policies and actions that were the result of extensive study and public participation;
- 2) There is no assurance these Provincial regulations will be law in the Spring; in fact, they could take several years, as other legislation has; and,
- 3) An approved by-law would strengthen the City's position for local solutions to the housing intensification issue.

Disadvantages

- 1) There may be some confusion between the introduction of the City's zoning by-law amendments and then the introduction of the changes required by the Province.
- 2) Once the Provincial regulations are in place, the City would have to amend the Zoning By-law a second time.

- **Option 2**

The City can hold the implementing Zoning By-law in abeyance until such time as the proposed Provincial regulations become law. As noted above, the earliest the Provincial regulations could be enacted will be in the Spring.

Advantages

- 1) The Zoning by-law would only required to be amended once and no appeals could be launched against the zoning changes; and,
- 2) There would be less confusion on the part of the public if the regulations were done once.

Disadvantages:

- 1) The City would not have the chance to, at least, introduce their own zoning changes that reflect local circumstances; and,
- 2) The need for housing intensification opportunities and the methods to address the associated problems would have to wait for the enactment of the Provincial legislation.

As noted above, Option 1 is the preferred staff option. However, the Planning and Development Department is seeking direction from the Committee respecting the processing recommendations for the implementing zoning by-law required as a result of the Housing Intensification Strategy. If the Committee wishes to proceed with the recommendations to implement the Housing Intensification Strategy, then authorization to hold public meetings should be given.

JHE

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 July 29
(CI-91-G)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: General Text Amendment to Zoning By-law No. 6593 - Implementation
of the Residential Intensification Strategy

RECOMMENDATIONS:

- A) That approval be given to City Initiative 91-G, for a general text amendment to Zoning By-law No. 6593, to implement the "Housing Intensification Strategy" respecting residential conversions, as adopted by City Council on June 25, 1991, on the following basis:
- i) That Section 2.(2)A.(iv) be deleted in its entirety;
 - ii) That Section 7A(1)(a) of Zoning By-law No. 6593 be amended by deleting "(ii)," so that the clause shall read as follows:

"as provided in clauses 8(1)(i) and (iia);"
 - iii) That the following subclauses be deleted in their entirety:
 - a) Section 8(1)(ii);

- c) Section 10.(1)(iv);
- d) Section 10A(1)(iii);
- e) Section 10B(1)(iv);
- f) Section 10C(1)(iv);
- g) Section 11.(1)(ii); and,
- h) Section 11B(1)(iv);

- iv) That Section 10A(3)(ii)(a) be amended by deleting "or converted dwelling" so that the clause shall read as follows:

"for a single-family dwelling as permitted in a "C" District, a side yard along each side lot line of a width of at least 1.2 metres (3.94 feet);"

- v) That Section 10A(3)(ii)(b) be amended by adding "or" between the words "dwellings, a" in the second line and deleting "or a converted dwelling" in the third line so that the clause shall read as follows:

"for a two family dwelling except a pair of semi-detached single family dwellings, or a three-family dwelling, a side yard along one side lot line of a width of at least 3 metres (9.84 feet),....."

- vi) That Sections 14(1a), (1b) and (1c) be deleted in their entirety;
- vii) That Section 19 be deleted in its entirety and replaced with the following:

"SECTION 19 - RESIDENTIAL CONVERSION REQUIREMENTS

19(1) "AA", "B", "B-1", "B-2", "C", "D" and "R-2" Districts

Notwithstanding anything contained in this By-law, any single-family detached dwelling in an "AA" (Agricultural), "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), "B-2" (Suburban Residential), "C" (Urban Protected Residential, etc.), "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses,

etc.) and "R-2" (Urban Protected Residential - One and Two-Family Dwellings) Districts may be converted to contain not more than two dwelling units, provided all the following requirements are complied with:

- i) there shall be no increase in the original building area of any dwelling;
- ii) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;
- iii) the applicable zoning district regulations for a single-family detached dwelling shall apply, except the minimum lot area shall be 270 m²;
- iv) except as permitted in clause vi), the external appearance and character of the dwelling shall be preserved;
- v) there shall be no outside stairway other than an exterior exit;
- vi) parking spaces, access drives and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- a) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- b) not less than 50% of the gross area of the front yard shall be used for a landscaped strip, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- c) manoeuvring for the parking space shall be permitted off-site.

19(2) "DE", "DE-2", "DE-3", "E", "E-1", "E-2" and "E-3" Districts

Notwithstanding anything contained in this By-law, any dwelling in a "DE" (Low Density Multiple Dwellings), "DE-2" (Multiple Dwellings), "DE-3" (Multiple Dwellings), "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), "E-2" (Multiple Dwellings) and "E-3" (High Density Multiple Dwellings) Districts may be converted to provide two dwelling units or more, provided all the following requirements are complied with:

- i) each dwelling unit has a floor area of at least 65 square metres (699.65 square feet), contained within the unit and having a minimum clear height of 2.1 m (6.9 ft.), but excluding the area of the cellar, if any, and of any porch, verandah or other such space which cannot lawfully be used as living quarters;
- ii) except as permitted in clause iv), the external appearance and character of the dwelling shall be preserved;

- iv) the yard requirements of the applicable zoning district in which the residential building is located shall apply to any extensions or enlargements;
- v) the following lot area requirements shall apply:
 - a) a minimum lot area of 270 m² shall be provided and maintained for one to three dwelling units;
 - b) a minimum lot area of 450 m² but not less than 65 m² of lot area per dwelling unit shall be provided and maintained for more than three dwelling units;
- vi) parking spaces, access drives and manoeuvring space shall be provided in accordance with Section 18A, except that parking for only one of the dwelling units may be provided in accordance with the following special provisions:

Location

- a) it may be located in a required front yard provided that the required area for parking shall not occupy more than 50% of the gross area of the front yard;
- b) not less than 50% of the gross area of the front yard shall be used for a landscaped strip, excluding concrete, asphalt, gravel, pavers or other similar materials; and,
- c) manoeuvring for the parking space shall be permitted off-site.

19(3) "H" Districts

- i) Notwithstanding any other provision of this by-law, any building or part thereof, existing on the 8th day of March, 1983 within a "H" (Community Shopping and Commercial, etc.) District, may be converted to contain not more than ten dwelling units;
- ii) The average of the floor areas, of all dwelling units referred to in clause i), shall be at least 65 square metres in area;
- iii) Every building converted in accordance with clause i) shall either:
 - a) be situate on a lot having a minimum radial separation distance of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a building converted or as maybe converted in accordance with clause i); or,
 - b) maintain the ground floor for commercial uses and provide parking in accordance with the provisions of Section 18A."
- viii) That Section 18A(14) be deleted in its entirety and replaced with the following:
 - "18A.(14a) Except for single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, no part of a required parking area in a residential district shall be located in a front yard;
 - (14b) For single-family dwellings and two-family dwellings erected prior to the 14th day of December 1971, required parking may be provided and maintained in the front yard provided that:

- a) the required area for parking shall not occupy more than 50% of the gross area of the front yard; and,
 - b) not less than 50% of the gross area of the front yard shall used for a landscaped strip, excluding concrete, asphalt, gravel, pavers or other similar materials."
- ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- x) That the proposed changes to the Zoning By-law are in conformity with the Official Plan for the Hamilton Planning Area.
- B) That the Transportation and Environment Committee be requested to amend the Streets By-law to require a minimum of 50% of the area used for residential boulevard parking be landscaped.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for a general text amendment to Zoning By-law No. 6593, by implementing the recommendations of the "Housing Intensification Strategy, adopted by City Council on June 25, 1991.

The effect of the by-law is:

- to remove the 'July 25, 1940' age limitation which is currently required if a building is to be converted to provide additional units;
- to permit conversion of buildings up to a maximum of two units in the "AA" (Agricultural), "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), "B-2" (Suburban Residential), "C" (Urban Protected Residential), "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) and "R-2" (Urban Protected Residential - One and Two-Family Dwellings) Districts;

- to permit conversion of buildings to two dwelling units or more in the "DE" (Low Density Multiple Dwellings) "DE-2" (Multiple Dwellings), "DE-3" (Multiple Dwellings), "E" (Multiple Dwellings, Lodges, Clubs, etc.), "E-1" (Multiple Dwellings, Lodges, Clubs, etc.), "E-2" (Multiple Dwellings) and "E-3" (High Density Multiple Dwellings) Districts;
- to limit the conversion of a building to two dwelling units within the "D" (Urban Protected Residential, etc.) District whereas the by-law currently permits conversion up to three dwelling units;
- to require a minimum of 65 m² (699.65 square feet) of gross floor area for each dwelling unit including a minimum clear height of 2.1 m (6.9 ft.);
- to limit parking in the front yard to a maximum of 50% for the additional unit and to retain the remaining 50% of the front yard for landscaped purposes;
- to permit conversions of commercial buildings within the "H" (Community Shopping and Commercial, etc.) District to a maximum of 10 dwelling units provided that commercial uses are provided on the ground floor and parking is provided in accordance with the provisions of Section 18A; and,
- to require 50% of the front yard parking area used for all single and two-family dwellings to be landscaped whereas the zoning by-law permits parking in the front yard provided the house was built prior to 1971.

J. D. Thoms, M.C.I.P.,
Commissioner
Planning and Development Department

V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In July 1989, the Provincial Cabinet introduced a Policy Statement entitled Land Use Planning and Housing. The goal of the Policy Statement was to require municipalities 'to provide the opportunity' through amendments to Planning Documents (i.e. Official Plan, Zoning By-law etc.) for the provision of affordable housing.

One of the requirements of the Policy Statement was the completion and adoption of a "Housing Intensification Strategy". Housing Intensification is the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. **Converted dwellings is one component of housing intensification.**

In June 1991, City Council adopted a "Housing Intensification Strategy". The Strategy identified both Provincial Initiatives and Municipal Initiatives including: vigorous enforcement of existing Property Standards, Backyard By-laws; identifying and promoting sites for infill, conversion of non-residential to residential uses where conversions are appropriate; to target the Barton Street Commercial Strip as an area for conversion; general text amendments to the Zoning By-law to permit an accessory unit in various Districts; to amend the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District to permit two accessory units whereas three are currently permitted; and to permit conversion of buildings within the "H" (Community Shopping and Commercial, etc.) District to a maximum of 10 dwelling units provided the ground floor remains commercial and adequate parking is provided.

OFFICIAL PLAN:

The proposed changes to the Zoning By-law do not conflict with the intent of the Official Plan, The following policies are noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity;

- i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;
- iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district;
- v) Provision of advise and assistance in the improvement and maintenance of private dwellings;
- vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses; and,
- viii) Other similar actions or matters as Council may deem appropriate.

7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

On April 14, 1992, City Council adopted Official Plan Amendment No. 109 which introduced the following new policy:

- "C.7.3
- i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;
 - ii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
 - iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;
 - v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
 - vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
 - vii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-law;
 - viii) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposed zoning changes do not conflict with the intent of the Official Plan.

COMMENTS:

- 1) The proposed changes to the Zoning By-law comply with the intent of the Official Plan.

- 2) As discussed, the initiatives (Municipal and Provincial) of the "Housing Intensification Strategy" are intended to increase the opportunities for housing intensification while maintaining residential neighbourhoods.

This report deals with the **proposed changes to the Zoning By-law that are required to implement the "Housing Intensification Strategy" as adopted by City Council on June 25, 1991, respecting residential conversions.** The proposed changes are as follows:

- Permitting accessory dwelling units within existing single-family dwellings in the "AA", "B", "B-1", "B-2", "C", "R-2", and "D" Districts

The current provisions in the Zoning By-law permit an accessory apartment in each of the Districts cited above, provided they meet the provisions of the By-law which include being built prior to 1940, adequate parking, no increase in the cubic contents of the building, etc.

- Removal of the "July 25, 1940" provision

The removal of the date limitation has the effect of allowing all single-family dwellings, regardless of age, to be converted to add an additional unit. By removing this restriction, pressure to convert will be taken off the lower City, where a higher proportion of the homes have been built prior to 1940, and distribute conversions on an equitable basis throughout the entire City.

- Amendment to the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to permit two dwelling units instead of three units

At the present time, the Zoning By-law permits single-family dwellings in a "D" District to be converted up to a maximum of three units within the existing building, provided it meets the conversion requirements of lot area, unit size, parking, etc. The proposed change would allow the conversion up to a maximum of two units as opposed to three.

In the pre 1940 areas of the City, many of the single-family dwelling areas are zoned "D", whereas in the post 1940 areas the single-family dwelling areas are zoned "C" which only allows conversion up to maximum of two

units. As noted previously, the pressure for conversion is most noticeable in the "D" Districts. The Residential Intensification Strategy noted there is a "difference in the nature of ownership of duplexes compared to triplexes" in that duplexes had a higher incidence of owner occupancy as opposed to triplexes which have a greater occurrence of absentee landlords. It was suggested that owner occupancy has greater benefits to the community than absentee landlords.

By reducing the number of converted units in a "D" District from three to two, it will reduce the opportunity for triplexing and would provide similar conversion opportunities which are currently found in the post 1940 areas , the areas zoned "C".

- To permit the conversion of Buildings within the "H" (Community Shopping and Commercial, etc.) District to a maximum of 10 units provided the ground floor remains for commercial uses and parking can be provided

Sections 14(1a), (1b) and (1c) permit conversion of commercial buildings up to a maximum of 10 unit without the need for parking provided the building was built prior to March 8, 1983. A further restriction requires that these converted buildings be separated by a minimum of 180 m. The intent of these regulations was to try and encourage underutilization of commercial space, particularly in strip commercial areas along major arterials (Barton Street, Main Street, etc.). The units were exempt from the parking provisions of the Zoning By-law because many of the buildings do not have the necessary space on-site to provide it. To avoid overconcentration of these buildings in one area and associated parking problems, a minimum 180 m radial separation distance was applied.

To provide further opportunities for non-residential conversions, the "Strategy" suggested commercial conversion should be encouraged for all buildings in the "H" District. In this regard, the proposed amendment would allow for conversion of a building up to ten units provided the parking requirements of Section 18A can be satisfied and the ground floor remains for commercial uses. The retention of the ground floor for commercial uses will ensure that the primary commercial function of the area is maintained. Parking will be required to ensure there is not an over concentration of residential uses which have no parking facilities.

• Parking

a) Housing Intensification Strategy

The Zoning By-law currently permits required parking for single and two-family dwellings erected prior to 1971 to be provided in the front yard. As a result, many converted homes have provided the necessary parking by paving over the front yards. Front yard parking drastically alters the character/aesthetics/street scape of residential areas. The "Strategy" proposes to permit limited front yard parking by requiring that a minimum of 50% of the front yard be landscaped. This regulation will reduce the incidence of paved over front yards thereby retaining the streetscape and open space character of residential areas.

b) Existing parking requirements for single and two-family dwellings

As noted, single-family and two-family dwellings erected prior to 1971 may pave their front yards to provide parking. As a consequence of the "Intensification Strategy", there may be situations where a single-family dwelling owner, that has paved over the front yard for parking, wishes to add an extra unit. He/she will be required to remove 50% of the paved area and replace it with landscaping.

To provide for more consistent standards for front yard parking for all residential uses, it is suggested that the existing clause in Section 18A be amended to require a minimum of 50% of the front yard be landscaped for all required parking including single and two-family dwellings which have not been converted.

c) Residential Boulevard Parking

The existing Zoning By-law requires a parking space be 6.0 m (20 ft.) in length. In older areas of the City, many properties do not have the required 6.0 m front yard to provide the parking space. As a result, they lease the additional land from the City by entering into a 'Boulevard Parking Agreement'.

To ensure the landscaping provisions for front yard parking which are proposed in the Zoning By-law are also applied to boulevard parking, it would be appropriate to amend the Streets By-law to include similar landscaping measures.

3. The residential conversion requirements are listed throughout the Zoning By-law. For example, the use (converted dwelling) is listed by District and the specific requirements (age, appearance, size of units, etc.) are listed in a separate Section, Section 19.

For ease of by-law interpretation, it is suggested that Section 19 be deleted in its entirety and replaced with a new Section which would include all the requirements for residential conversions. The new Section would be divided into three parts. The first part would list the regulations (size of units, appearance of building, parking restrictions) for conversions in the "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts; the second part would contain regulations for conversions in the "DE", "DE-2", "DE-3", "E", "E-1", "E-2", and "E-3" Districts; and the third part would deal with conversions in the "H" District.

CONCLUSION:

The foregoing general text amendments to Zoning By-law No. 6593 implement the Council adopted "Housing Intensification Strategy".

JHE/ma
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**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1992 August 11

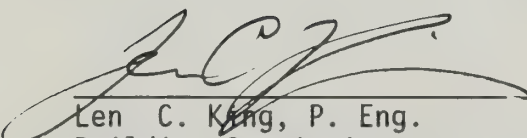
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Building Code By-law 85-86

RECOMMENDATION:

1. That the application of the Hamilton-Halton Home Builders' Association for a reduction of permit fees prescribed under By-law 85-86 for the N.E.A.T. house at 2 Westlawn Drive be approved.
2. That the City Solicitor be directed to prepare an amendment to By-law 85-86 exempting the property at 2 Westlawn Drive from payment of permit fees, as prescribed, under Section 16 of the By-law.



Len C. King, P. Eng.
Building Commissioner
LCK/hmp

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Permit fees of \$1,067 (based on a \$114,000 house) will not be collected.

BACKGROUND:

On 1992 July 27, a letter was submitted to Alderman D'Amico (see attachment) from the Hamilton-Halton Home Builders' Association requesting an exemption from permit fees prescribed under the Building Code By-law 85-86. The Association had requested this due to the unique nature of the project proposed at 2 Westlawn Drive.

Background from the Association explains the proposal:

1. The Challenge

In 1991, Energy, Mines and Resources Canada launched a national challenge aimed at substantially improving the capabilities of the housing industry to address the emerging environmental issues in the years ahead. Dozens of teams from across Canada entered the national competition to develop proposals for innovative, more "environmentally friendly" demonstration homes for the **Advanced Houses Program**.

The Advanced House Technical Requirements addressed a wide array of environmental issues including minimizing water and energy use, incorporating a high percentage of recycled materials in the building components and eliminating the use of ozone depleting CFCs for cooling while, at the same time, maintaining or improving the indoor air quality in the living space. The performance targets for these houses are very aggressive, the energy consumption in an advanced house must not exceed 50 per cent of a similarly sized R-2000 house. A national panel reviewed the proposals and eleven houses were selected as winners of the competition.

2. The Opportunity

With great pride, the Hamilton-Halton Home Builders' Association announces that its Novel Environmental Advanced Technology or N.E.A.T. Home was a winning entry. The N.E.A.T. Home is the only submission from the Toronto - Hamilton - St. Catharines "golden horseshoe" area to win the competition. As such, it will provide a great opportunity for innovators and leaders in the housing industry to profile and refine product and home building technologies in the largest market in the country.

3. The Concept

At the heart of the N.E.A.T. Home are dozens of "N.E.A.T. Ideas". Although some of the ideas are not new, their use is certainly Novel. From its low-tech rainwater cistern to its high-tech Consumer Electric Bus control system, the N.E.A.T. Home's features focus on key environmental issues which will have a direct impact on the future of housing. Evaporative cooling using stored rain water, in an advanced Integrated Heating, Ventilating and Air-conditioning System, will provide the year-round comfort and healthy indoor environment expected by today's demanding consumers. Recycled and more environmentally-friendly products will be used for almost every aspect of the building. The N.E.A.T. home will be a showcase of innovative and challenging N.E.A.T. Ideas.

Due to the nature of the project and the sponsorship by various levels of government, the Building Department can support an exemption to the By-law as a contribution from the City.



**HAMILTON-HALTON
HOME
BUILDERS'
ASSOCIATION**

July 27, 1992

Alderman D'Amico
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

DATE	7/27/92
TIME	10:00
BY	LN
TO	LN
FROM	
DATE	
TIME	

Dear Alderman D'Amico:

Thank you for attending our kick-off luncheon for the Hamilton-Halton Home Builders' Association's N.E.A.T. Home.

As you are probably aware, this Novel Environmental Advanced Technology Home will attract provincial, national, indeed international attention, as our organization attempts to construct a home which will show future technologies and environmental sensitivity.

The purpose of this letter is to secure your support in our request to have the City of Hamilton waive the normal municipal charges associated with the construction of a new home, i.e. permit fees, 5% land dedication cash in lieu, and development charges.

We are hopeful that the City politicians will become a partner in this venture and such an approval from the City would certainly show your willingness and allow us the opportunity to provide the appropriate recognition for the City of Hamilton.

Realizing the HHHBA is a non-profit organization, I would like to ensure you that this home is being built in an effort to get our industry looking towards the future with a focus on the environment and energy conservation, and is not intended as a profit making venture. Should there be any excess revenue, it will be put back into direct training and education programs to help the decimated workers within our industry, locally.



1112 Rymal Rd. RR#2 Hannon, Ontario L0R 1P0
Tel.(416)575-3344, (416)634-1200 Fax (416)574-3411

Further, we are aligning ourselves with the Ronald McDonald House in an effort to raise substantial revenues for this most worthy cause through the charging of a minor entrance fee to the 100 or 150 thousand people expected to view the home over the next 2 years. I understand the most appropriate vehicle to obtain approval for this request is the City's Planning and Development Department. With that in mind, may we request you bring this forward at the next P&D meeting.

In closing, we would like to thank you in advance for any assistance you may provide.

Sincerely,

A handwritten signature in cursive script that reads "Dan F. Condon". The signature is written in dark ink and is positioned above the printed name and title.

Dan F. Condon
Executive Officer

P.S. I have requested the Building Department calculate the costs so as to ascertain the total dollar amount involved.

cc Mayor Morrow
D. Drury
D. Ross
L. King
P. Lampman

6.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 12 1992

DATE: August 12, 1992
ZA-92-29
Hannon South Neighbourhood

CITY CLERKS

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change and modification in Zoning - Nos.
235 to 265 Dartnall Road.

RECOMMENDATION:

That approval be given to Zoning Application 92-29, The Hamilton Society for the Prevention of Cruelty to Animals, prospective owner, for a change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified (Block "1"), and for a modification to the "M-13" (Prestige Industrial) District, (Block "2"), to permit an animal shelter, on property located at Nos. 235 to 265 Dartnall Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District;
- ii) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 17E(1)(b) of Zoning By-law No. 6593, an animal shelter shall be permitted; and,
 - b) That notwithstanding Section 17E(2)(b)(ii) of Zoning By-law No. 6593, a minimum set back of 10.0 m shall be provided and maintained for every building and structure from TransCanada Pipelines right-of-way;
- iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-69E be notated S- ;

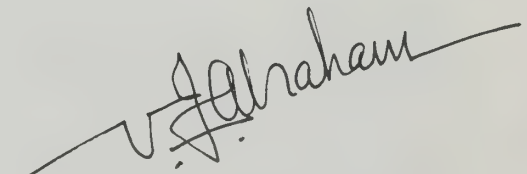
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-69E for presentation to City Council; and,
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-Law is to provide for a change in zoning from "M-14"(Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified (Block "1"), and for a modification to the "M-13" (Prestige Industrial) District, (Block "2"), for property located at Nos. 235 to 265 Dartnall Road, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for an animal shelter. In addition, the by-law requires a minimum setback of 10.0 m for every building and structure from the TransCanada Pipeline right-of-way.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The purpose of the change and modification of zoning is to permit the construction of a new animal shelter to be operated by the Society for the Prevention of Cruelty to Animals. In this regard, Regional Council at its meeting of September 17, 1991 approved the sale of the subject lands to the Hamilton S.P.C.A.

APPLICANT:

Hamilton Society for the Prevention of Cruelty to Animals, prospective owner.

LOT SIZE AND AREA:

- 152.38 m (499.93 ft.) of lot frontage on Dartnall Road;
- 102.33 (335.7 ft.) of lot depth; and,
- 1.54 ha (3.81 ac).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"M-13" (Prestige Industrial) District and "M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	vacant	"M-13" (Prestige Industrial) District and "M-14" (Prestige Industrial) District
to the south	hydro power line corridor	"A2" (Restricted Agriculture) Zone (Township of Glanbrook)
to the east	vacant	"M-13" (Prestige Industrial) District and "A" (Conservation, Open Space, Park and Recreation) District
to the west	vacant	"M-14" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated **INDUSTRIAL** on Schedule A - Land Use Concept of the Official Plan, are also situated in Special Policy Area 11, and are also designated **HAZARD LANDS** as identified on Schedule "C" of the Official Plan. The following policies should be noted:

- "2.3.1 The primary uses permitted in the areas designated on Schedule "A" as **INDUSTRIAL** will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within **INDUSTRIAL** areas:
 - iii) Uses which have characteristics or functional requirements similar to Industries;
 - vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.
- 2.3.13 The **LIGHT INDUSTRIAL** category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, **LIGHT INDUSTRIAL USES** will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- 2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- 2.3.18 Council will ensure that non-Industrial land uses abutting **LIGHT INDUSTRIAL** precincts are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.
- 3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as **HAZARD LANDS** on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, **HAZARD LANDS** make reference to the "flood-" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.

3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:

- i) No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council, the Region and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
- ii) Whenever any flood control or other remedial works are undertaken which result in changes to the area of land subject to hazardous conditions, Council may consider amendment to this Plan for redesignation, if deemed to be necessary;
- iii) Where new development is proposed on a site, part of which lies within the HAZARD LANDS shown on Schedule "C", the provision of Subsection D.5 regarding Parkland dedication will apply;
- iv) No portion of a building, structure or tile field will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "RESTRICTED INDUSTRIAL - COMMERCIAL" on the approved Mountain Industrial District Neighbourhood Plan. The proposal complies.

COMMENTS RECEIVED:

- The following Departments and Agency have no comment or objections:
 - Traffic Department;
 - Hamilton Region Conservation Authority;
 - Ontario Hydro; and,
 - Union Gas Company.

- The Building Department has advised that:
 - "1. The use is not permitted in either District. The use is classified under Industrial Classification 9999 as "Other Services not elsewhere classified".
 2. No development plans have been submitted for review.
 3. There are no orders outstanding against the property."
- The Hamilton Wentworth - Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

Any new or altered access to Dartnall Road requires an Approach Approval Permit from the City of Hamilton Traffic Department.

Detailed comments concerning access design, setbacks, etc. will be provided at the Site Plan stage."
- TransCanada Pipelines has reviewed the application and have no objection to the zoning application subject to the attached conditions since the lands are within 200 meters of the limits of their right-of-way (see Appendix "B").

COMMENTS:

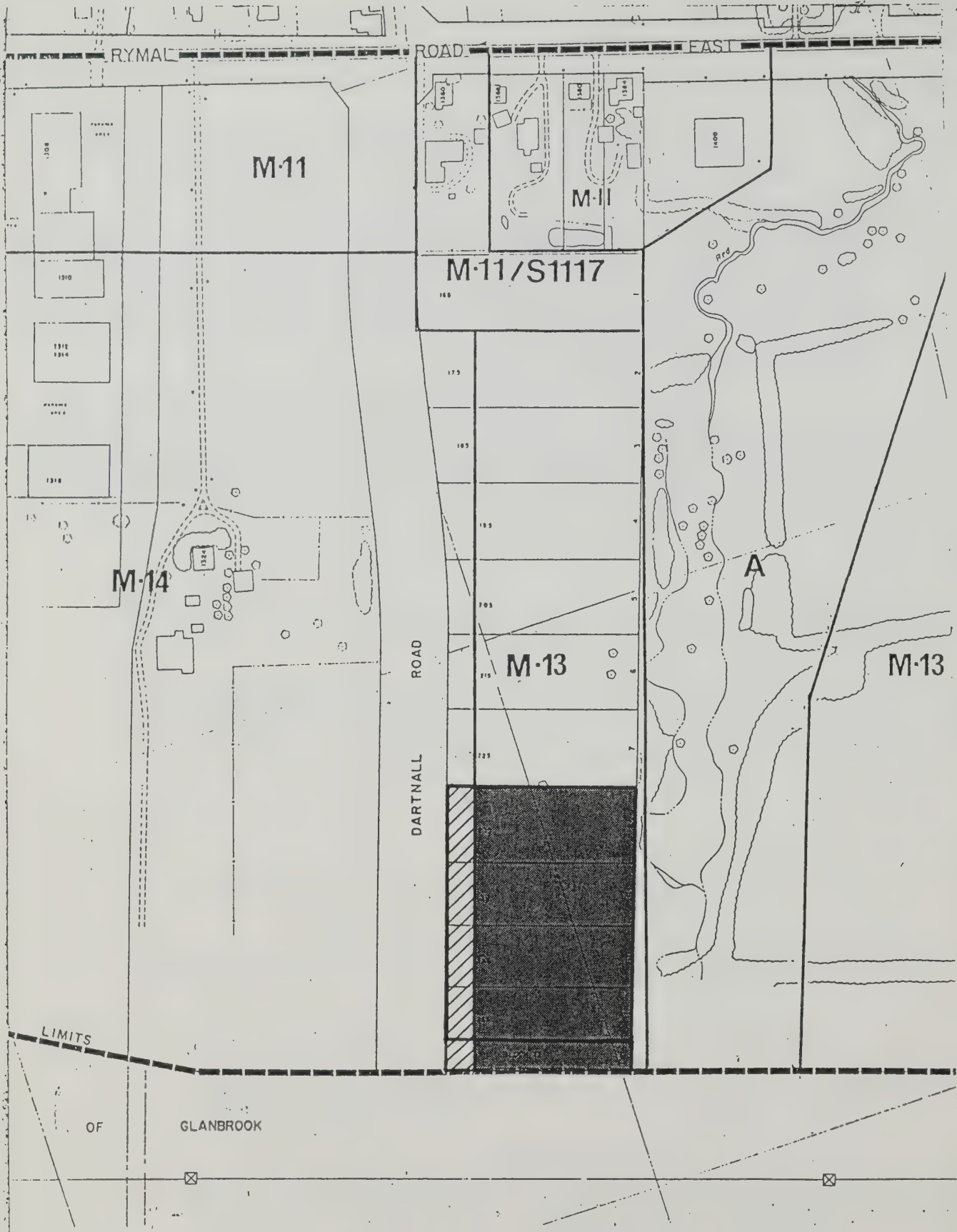
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Mountain Industrial District Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - it complies with the intent of the Official Plan and approved Mountain Industrial District Neighbourhood Plan;
 - it is consistent with the "M" District Study which proposes to add "animal shelters" to the list of permissible uses within the "M-13" Zoning District, since their operation would maintain the intent of the "M-13" district to act as a buffer;
 - it is suitably located within an industrial precinct at the City limits adjacent to an open space corridor (i.e., HRCA lands), and a hydro corridor; and,

- the proposed animal shelter use is no less feasible than other uses permitted 'as-of-right' in the "M-13" District.
4. Comments from TransCanada indicate that they have no objection to the proposal, but identify a number of conditions which the applicant must satisfy if the application is approved (see APPENDIX "B"). Specifically they have requested a 10.0m setback from their right-of-way which the applicant has agreed to provide. With respect to the recommendation for fencing, both parties have agreed to review demarcation of the right-of-way at the Site Plan Approval stage.
 5. The "M-13" (Prestige Industrial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Thus, concerns expressed by TransCanada Pipelines with respect to the demarcation of the pipeline right-of-way, grading, drainage, crossings, and easements will be dealt with as part of the Site Plan Control approval process.

CONCLUSION:

Based on the forgoing, the proposal can be supported.

JL/ma
ZA9229



Legend

Site of the Application



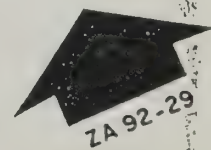
BLOCK 1

Proposed change in zoning from "M-14" (Prestige Industrial) District to "M-13" (Prestige Industrial) District, modified.



BLOCK 2

Proposed modification to the "M-13" (Prestige Industrial) District regulations.



2A 92-29

APPENDIX A



TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267 6100

August 4, 1992

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality of Hamilton-Wentworth
Planning and Development Department
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mr. Abraham:

**Re: Zoning Application 92-29 ,Nos. 235-265 Dartnall Road
Part of Lot 15, Concession 1, Township of Glanford, City of Hamilton
Hamilton Mountain Industrial Park No. 2, Plan 62M-658
TCPL File SD40, ROW 4-7A, MLV 209-1 + 1.23 - 1.81**

On July 2, 1992, TransCanada PipeLines received your request for comments on the above Zoning Application dated June 23, 1992. We have reviewed this application and have no objections subject to the following conditions:

- 1) All permanent structures are to be located at least ten metres from the limits of our right-of-way. We recommend this ten metre development set-back to ensure that there will be sufficient workspace for future maintenance and/or construction programs.
- 2) All crossings of the right-of-way by roads, access ramps, services or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign a crossing agreement. This agreement will be binding upon subsequent owners of the roads, services utilities and/or ramps. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.
- 3) Any grading which will affect the right-of-way or drainage onto it must first be approved by TransCanada. No grading of the right-of-way will be permitted in the absence of such approval or without inspection of the grading operations by TransCanada.
- 4) Should any blasting be required at the site, a report on the methods and charges to be used must be prepared by a qualified blasting engineer and submitted for TransCanada's approval prior to the commencement of blasting operations on the site.
- 5) Both sides of the pipeline right-of-way, including any additional pipeline easements granted by the owner, should be permanently fenced-off and maintained by the owner. The fence installed should meet TransCanada PipeLines and the City of Hamilton's specifications.



Mr. Abraham
August 4, 1992
Page Two

- 6) TransCanada PipeLines is regulated by the National Energy Board Act. Section 112 of this act requires that anyone excavating with power-operated equipment or explosives within 30 metres of the pipeline must obtain leave from the National Energy Board prior to commencing any work. In order to satisfy this National Energy Board condition, TransCanada's District Office in Hannon (phone 416-388-5171) must be notified three business days prior to the commencement of any excavation using power-operated equipment or explosives within 30 metres of the pipeline.
- 7) No fill or building materials may be stored on the pipeline right-of-way.
- 8) During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owner(s) to prevent unlimited access by heavy machinery. Section 112 states that "...no person shall operate a vehicle or mobile equipment across a pipeline unless leave is first obtained from the company...".
- 9) TransCanada's District Office in Hannon (phone 416-388-5171) must be given three business days advance notice before the commencement of construction on the site.
- 10) The owner must ensure that all contractor(s) and sub-contractors are fully aware of and observe the foregoing conditions.
- 11) Site Plan approval for all permanent structures to be erected on Lot 11, adjacent to our easement must be granted to TransCanada.

Our file does not contain the Plan 62M-658. Could you please send me a copy of this plan.

Thank you for keeping us informed of development adjacent to our pipeline easement. If you have any questions, please call me at (403) 267-8747.

Yours truly,

Janice Lattin
Technician 1
Right-of-Way

cc: Ken Spriggs
Bob Smith

7

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11
ZA-92-18
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

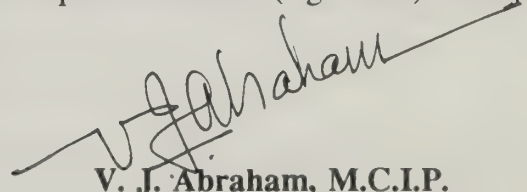
SUBJECT: Request for rezoning - 1630 Upper Gage Avenue

RECOMMENDATION:

That Zoning Application 92-18, Shell Canada Products Limited, prospective owner, requesting an amendment to the Official Plan to redesignate the subject lands from "Residential" to "Commercial", and requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block 1), and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified (Block 2), to permit a car wash or lube shop on property located at No. 1630 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- it is contrary to the approved Neighbourhood Plan which designates the lands for "ATTACHED HOUSING"; and,
- it is more appropriately located along a major road, such as Rymal Road, where lands are currently available for such uses. In this regard, the proposed uses are not considered neighbourhood commercial uses and are most appropriately located along major roads where they are less likely to generate negative spillover effects (e.g. noise) on adjacent residential uses.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant is proposing to rezone the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit the development of the subject lands for a car wash or lube shop.

- Zoning By-law No. 91-128

City Council, on July 16, 1991, passed By-law No. 91-128 which rezoned adjacent lands to the south (867 Rymal Road East) from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District modified, to permit limited neighbourhood commercial uses and an automobile service station.

- Site Plan Control Application DA-91-62

Site Plan Control Application DA-91-62 for the adjacent lands to the south (867 Rymal Road East) was approved on April 3, 1992, for the development of a gas bar, convenience store and related offices.

APPLICANT:

Shell Canada Products Limited, prospective owner.

LOT SIZE AND AREA:

The subject lands have:

- a lot frontage of 30.48 metres (100 feet);
- a lot depth of 60.96 metres (200 feet); and,
- a lot area of 1858 m² (20,000 square feet).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwelling and vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Townhouses	"RT-20" (Townhouse-Maisonette) District
to the south	Vacant	"HH" (Restricted Community Shopping and Commercial) District modified
to the east	Vacant	"G" (Neighbourhood Shopping Centre, etc.) District modified
to the west	Townhouses (under construction)	"RT-20" (Townhouse-Maisonette) District modified

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to: ...

- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

- i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads and, in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
- ii) An AUTOMOBILE SERVICE STATION will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.

A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;

- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area."

The proposal does not comply with the Official Plan. If approved an Official Plan amendment will be required to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the approved Eleanor Neighbourhood Plan. Approval of this application would necessitate a redesignation to "Commercial".

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority advises they have no objection.
- The Building Department advises:
 - "1. A manual or mechanical car wash is only permitted as an accessory use to an automobile service station or public garage in the same building occupying a maximum of 30% of the gross floor area and utilizing not more than one bay or stall.
 2. The proposed building shall provide a 12.0m front yard, 6.0m northerly side yard and rear yard.
 3. A minimum 3.0m wide planning strip is required along the westerly and northerly lot line.
 4. The application indicates that this is a separate site.

Phase 1

1. The Bulklift Unit Enclosure structure is located over the northerly lot line.
2. A visual barrier along the northerly and westerly lot lines has not been provided.
3. A 1.3m wide landscaped planting strip has not been provided along the northerly lot line.
4. This layout appears to be different to the proposed site plan control application DA-91-62 which is being developed as a separate site."

- The Hamilton-Wentworth Roads Department advises:

"There are public watermains and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes to establish the property line 18.29 m from the centerline of the original Upper Gage Avenue road allowance. According to our records, this road widening is 8.23 m in width adjacent to the lands to be developed.

In the absence of any details shown, we advise that any works which may occur within the Upper Gage Avenue road allowance, as widened, must conform to the Region's Roads Use By-Law.

At such time as detailed plans are submitted under site plan control, we will provide detailed comments on the actual development.

The City of Hamilton Traffic Department is to comment on access design and location. The grade within the road allowance, as widened, should not exceed 2 or 3 percent. As a general rule, the property line elevation as widened should be + or - 0.14 m higher than the corresponding perpendicular centerline elevation of Upper Gage Avenue.

The applicant should be advised that the construction or reconstruction of Upper Gage Avenue may include the construction of raised concrete median islands which may restrict access to these lands at some future date. Access curbs should be recessed and should be recessed to the widened street line on Upper Gage Avenue.

According to our records, the subject lands are designated for attached housing. The intent of the plan should be complied with or the plan revised by the Committee and Council."

- The Traffic Department advises:

"...please be advised that we have reviewed the above application and find the proposed zoning satisfactory.

The applicant also owns the adjacent property to the south. The site plan indicates that this property is encroaching onto the northerly property. The Traffic Department would prefer that these properties be developed together in order to co-ordinate the accesses to Upper Gage and Rymal Road. This would also eliminate the need for mutual right-of-way agreements and encroachment agreements."

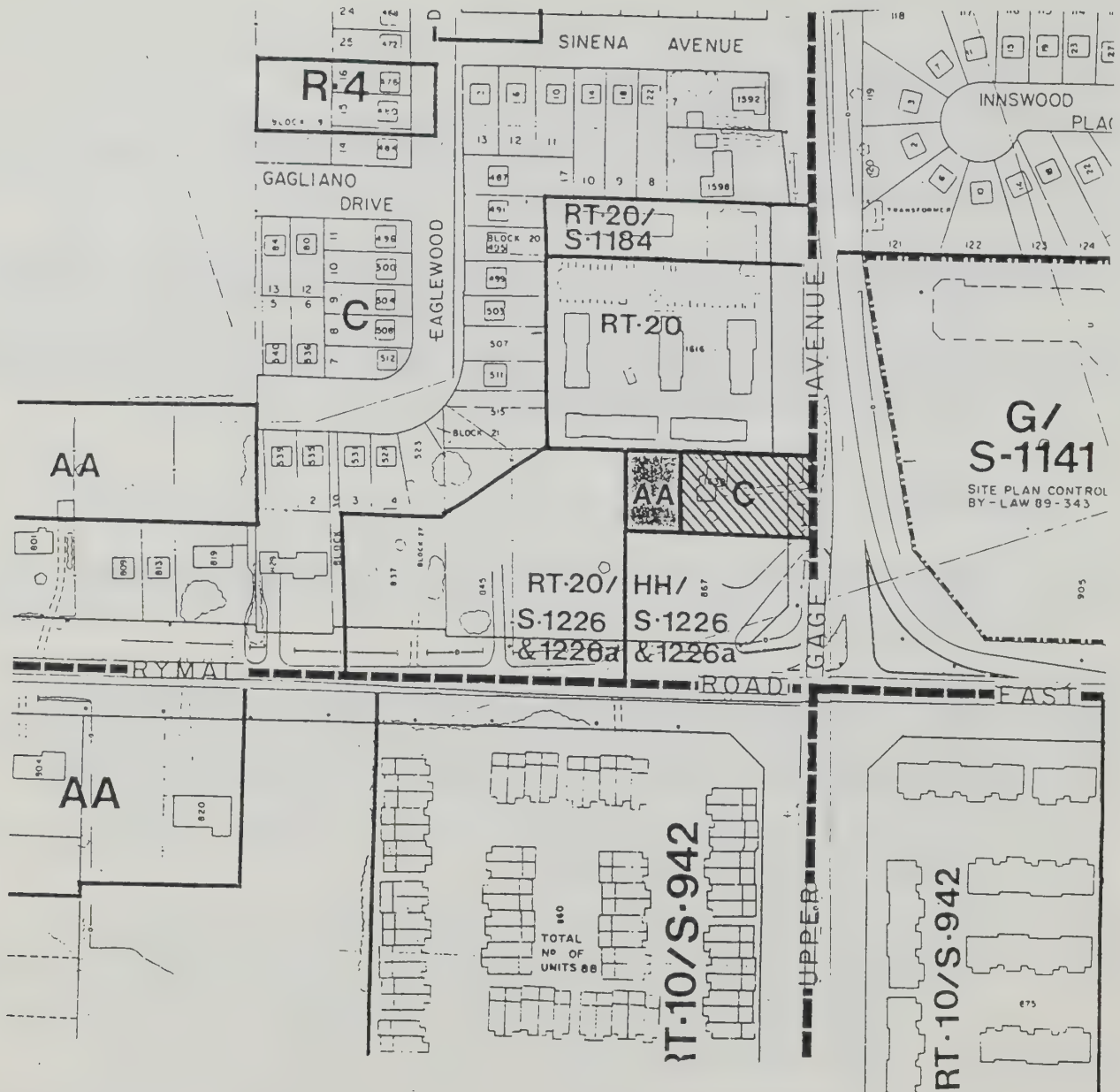
COMMENTS:

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan amendment to redesignate the subject lands to "Commercial".
2. The proposal is contrary to the approved Eleanor Neighbourhood Plan which designates the subject lands for "Attached Housing". Approval of this application would require a Neighbourhood Plan amendment to redesignate the subject lands "Commercial".
3. The proposal to rezone the subject lands to permit a car wash or lube shop cannot be supported for the following reasons:
 - it is contrary to the approved Neighbourhood Plan which designates the subject lands "ATTACHED HOUSING". In this regard, the subject lands are of sufficient size to be developed in accordance with the Neighbourhood Plan which would be a logical extension of existing townhouse development to the north; and,
 - it is more appropriately located along a major road, such as Rymal Road, where lands are currently available for such uses (e.g. "HH" District on the north side of Rymal Road between Upper Gage Avenue and Rockland Avenue, and the "M" Districts east of Upper Ottawa Street). In this regard, the proposed uses are not considered neighbourhood commercial uses and are most appropriately located along major roads where they are less likely to generate negative spillover effects (e.g. noise) on adjacent residential uses.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

CF/ma
ZA9218

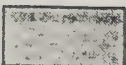


Legend

ZA-92-18

Proposed change in zoning from:

BLOCK 1



"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

BLOCK 2



"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified.

APPENDIX A

8.

CITY OF HAMILTON

RECEIVED

- RECOMMENDATION -

AUG 12 1992

CITY CLERKS

DATE: 1992 August 11
ZA-88-129
Butler Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SECOND REPORT:

SUBJECT: Request for an Official Plan Amendment and a change in zoning - property at the south-east corner of Upper Wentworth Street and Stone Church Road East.

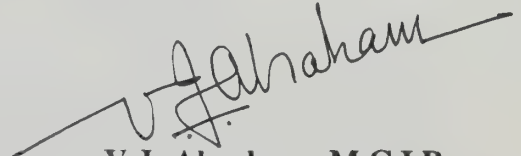
RECOMMENDATION:

That Zoning Application 88-129, T. Valeri Construction Limited, owner, requesting an Official Plan Amendment to redesignate lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "E-2" (Multiple Dwellings) District modified to "G-1" (Designed Shopping Centre) District to permit a 2 storey shopping centre having retail commercial uses on the ground floor and offices on the second floor, for property located at the south-east corner of Stone Church Road East and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- a) The proposal does not comply with the intent of both the Official Plan and the approved Butler Neighbourhood Plan which designate the lands "Residential".

- b) There is an adequate supply of commercial land, existing and proposed, within the area along the abutting arterial roads to serve the needs of the present and future inhabitants of this area.
- c) The proposal conflicts with the position of City Council, adopted February 9, 1988, to deny the previous zoning application to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.) on the subject lands.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The purpose of the proposed change in zoning is to permit construction of a 2 storey shopping centre having retail commercial uses on the ground floor and offices on the second floor.

- Previous Public Meetings

On March 20, 1991, a Public Meeting was scheduled by the Planning and Development Committee to consider the subject rezoning application. The meeting was cancelled at the applicants request.

On April 24, 1991, the Public Meeting was rescheduled, and after considerable discussion, the Planning and Development Committee decided to table the application in order to determine the road requirements for the area and to allow the Ward Alderman to have a meeting with the residents to determine what they would like to see in the area.

- Neighbourhood Information Meeting

A Neighbourhood Information Meeting has been scheduled by the Ward Alderman for August 12, 1992.

- ZA-87-109

At its meeting held on January 27, 1988 the Planning and Development Committee **DENIED** Zoning Application 87-109 for a change in zoning of the subject lands from "E-2" (Multiple Dwellings) District to "CR-2" (Commercial-Residential) District to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.).

The application was denied for the following reasons:

- "a) There is an adequate supply of commercial land, both existing and proposed, within this area along the abutting arterial roads to serve the needs of the present and future residents of the area. In addition, the introduction of more commercial development may undermine the viability of these approved sites.
- b) It does not comply with the Official Plan or the approved Butler Neighbourhood Plan. Both plans designate the area "Residential".

City Council at its meeting held on February 9, 1988 adopted the recommendation of the Planning and Development Committee to deny the application.

- ZA-84-50

During 1984 the applicant submitted Zoning Application 84-50 which proposed rezoning of the subject parcel of land from "E-2" (Multiple Dwellings) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to permit townhouse

development. By way of a letter dated September 13, 1984 the applicant decided to amend his application to delete the subject lands from the rezoning application. The balance of the lands were rezoned in accordance with By-law No. 84-271 passed by City Council on December 11, 1984.

- By-law 78-151

At its meeting held on May 30, 1978 City Council passed By-law 78-151 which rezoned the site in question from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.

LOT SIZE AND AREA:

An irregular shaped parcel of land having:

- approximately 110.4 m (362.4 ft.) of lot frontage on Stone Church Road East;
- 60.36 m (198.0 ft.) of lot frontage on Upper Wentworth Street; and,
- approximately 0.44 ha (1.08 ac.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	vacant	"E - 2" (Multiple Dwellings) District, modified
<u>Surrounding Lands</u>		
to the north	small lot single-family dwellings	"D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouses, etc.) District, modified

to the south	single-family dwellings	"AA" (Agricultural) District and "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District, modified
to the west	townhouses	"E-2" (Multiple Dwellings) District, modified

OFFICIAL PLAN:

Designated "RESIDENTIAL" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

- "A.2.1.3 Within areas designated RESIDENTIAL, uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments, and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.
- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local residential areas only with convenience goods and personal services.
- A.2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- A.2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

On the basis of the foregoing, and taking into consideration that the proposed uses will not be limited to convenience type uses as permitted in the Local Commercial category, and that the site exceeds .4 hectare (1 acre) in area, the proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation from "RESIDENTIAL" to "COMMERCIAL".

NEIGHBOURHOOD PLAN:

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Butler Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:

"The lot shall have an area of at least 4,000 m² (0.99 acres) as per Section 13A(5)."

- The Traffic Department has advised that:

"The proposed rezoning is not in accordance with the approved Neighbourhood Plan which designates this area as residential. Approval of this application could set an undesirable precedent for future applications."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend as a condition of zoning approval, that sufficient land be dedicated to the Region to establish the property line 15.24 m from the centreline of the Stone Church Road road allowance.

The designated road allowance width of Upper Wentworth Street 36.58 m. In accordance with this designation, we recommend as a condition of zoning approval, that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the Upper Wentworth road allowance. We also require a 12 m x 12 m daylight triangle to be taken from the widened limits of Stone Church Road and Upper Wentworth Street.

Any works which may occur within the Upper Wentworth Street or Stone Church Road road allowances, as widened, must conform to the Region's Road Use By-law.

Any new or altered access to Upper Wentworth Street or Stone Church Road requires the approval of the City of Hamilton Traffic Department."

- The Hamilton Region Conservation Authority and Local Architectural Conservation Advisory Committee have no comments or objections.

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan. A site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.
2. The proposal conflicts with the intent of the approved Butler Neighbourhood Plan which designates the site for "Medium Density Apartments." Approval of the application would require redesignation to "Commercial".
3. As illustrated on APPENDIX "B", there is an adequate supply of commercial sites (existing and proposed) to serve the needs of the existing and future residents in this area, including the following:

	<u>Location of Commercial Site</u>	<u>Approximately Size of Site</u>	<u>Distance from Subject Lands</u>	<u>Developed</u>
1.	No. 1314 Upper Wentworth Street	0.202 ha (0.5 ac)	350' +/-	yes
2.	No. 25 Redmond Dr.	0.77 ha (1.9 ac)	700' +/-	yes
3.	west side of Upper Wentworth Street between Stone Church Road East and Rymal Road East	1.38 ha (3.4 ac)	1,000' +/-	no
4.	west side of Upper Wentworth Street, north of Pescara Ave.	0.32 ha (0.8 ac)	1,400' +/-	yes
5.	Ryckmans Multi- Centre	2.02 ha (5.0 ac)	2,200' +/-	no

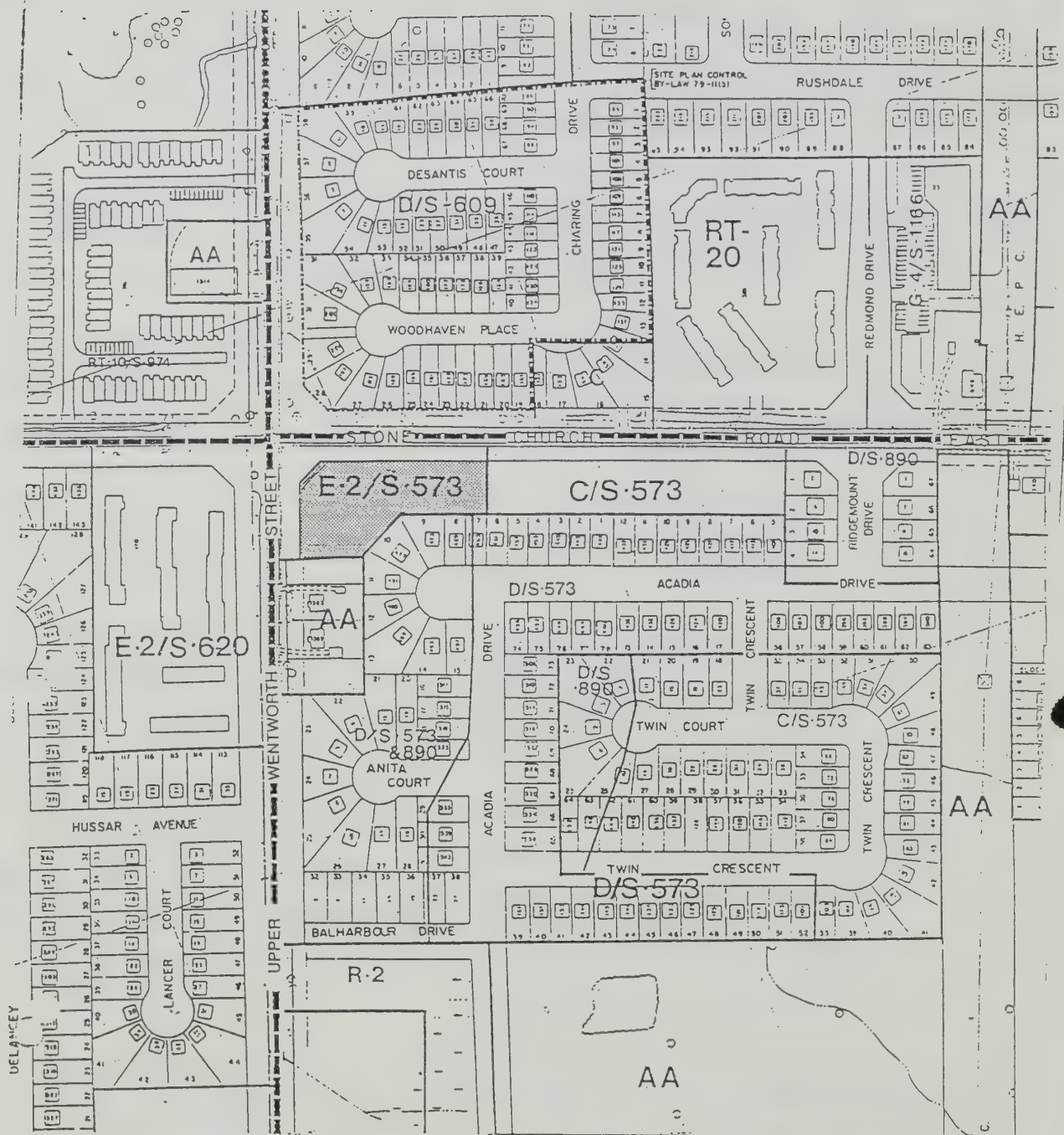
6.	Butler Neighbourhood	0.80 ha (2.0 ac)	2,300' +/-	yes
7.	Effort Gardens N/E corner of Rymal Rd. E. and Upper Wentworth St.	4.45 ha (11.0 ac)	2,400' +/-	no
8.	Wentwal Development N/W corner of Rymal Rd. E. and Upper Wentworth St.	8.80 ha (2.00 ac)	2,600' +/-	no
9.	Limeridge Mall and associated commercial development in the vicinity	40 ha (100 ac)	3,600' +/-	yes

Accordingly, the introduction of an additional commercial site may undermine the viability of existing and proposed commercial sites. In this regard, there are approximately 50 ha (125 ac) of commercially designated lands within 1,097 m (3,600 ft.) of the subject lands.

4. The proposal conflicts with the position of City Council, adopted February 9, 1988, to deny the previous zoning application (ZA-87-109) to permit a 2 storey mixed commercial/residential building having a gross floor area of 1,858 m² (20,000 sq.ft.). In this regard, no new planning evidence has been submitted by the applicant to justify any change to this policy.

CONCLUSION:

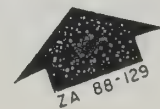
On the basis of the foregoing, the application cannot be supported.



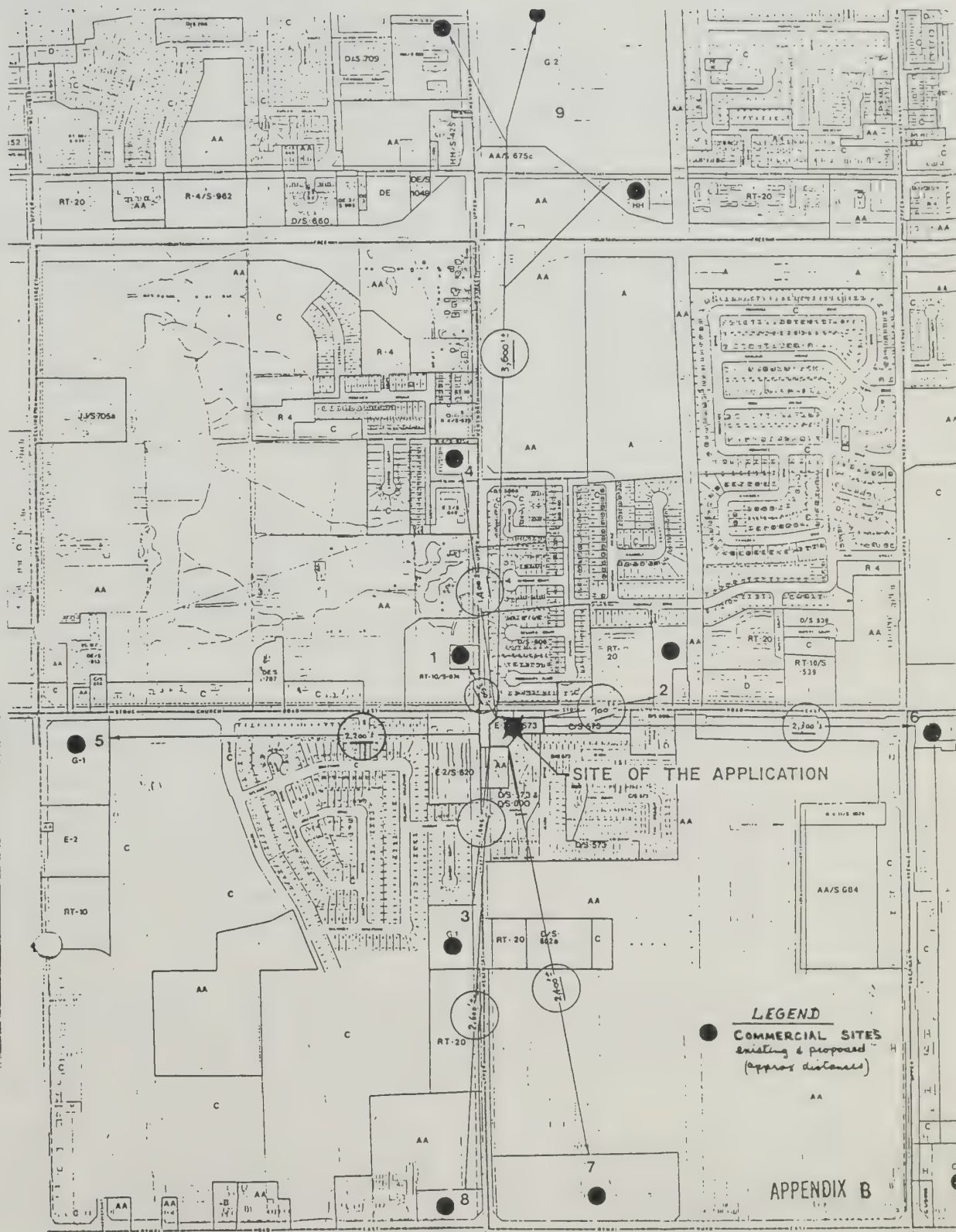
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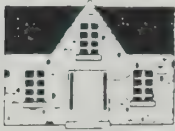


Site of the Application



APPENDIX A





Stonechurch Family Health Centre

AUG 12 1992

8a)

549 Stonechurch Road East, Hamilton, Ontario L8W 1A5

Tel.(416)575-1300 Fax(416)575-0779

Z98-129

MEMO TO: Planning Department
City of Hamilton

RECEIVED

MEMO FM: June Kertyzia
Administrator,
Stonechurch Family Health Centre

AUG 12 1992

Dated: July 28, 1992

CITY CLERKS

Re: Proposed Zone Change at South-east corner of Stonechurch
Road East and Upper Wentworth Street

I feel that it is necessary to explain my reasons for opposing the proposed zone change. They are as follows:

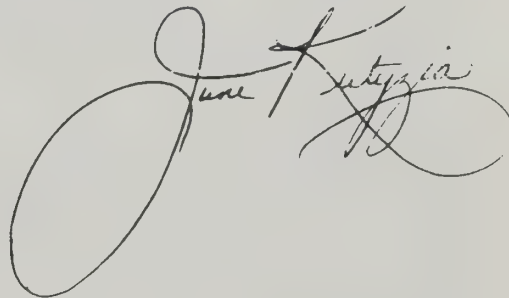
1. We are located in the small shopping mall at Stonechurch and Redmond. Half of the units are empty and those businesses operating are barely hanging on through this recession. Until these shops and business units are filled, it would seem inappropriate to designate more land to this type of enterprise.
2. The Faculty of Health Sciences, McMaster University has invested a great deal of resources to the development of Stonechurch Family Health Centre. The design of the facilities, and the program and services to be offered, were based on the official plan and the anticipated growth to these communities by 1998. To provide community health services, we require a patient population and community population that the Ministry of Health considers to be viable and appropriate for financial and philosophical support. The elimination of the multiple dwellings as originally planned for this area, restricts the population of the area and could seriously affect our ability to provide health programs and services.
3. The communities around the proposed shopping mall are already serviced by a mall on Upper Wentworth and the Highridge Plaza on Stonechurch and Redmond. Both of these malls are in easy walking distance of the surrounding neighbourhoods. A third facility is already under development at the corner of Stonechurch and Upper Sherman.
4. Malls become hang outs for our youth. Vandalism and property damage for the surrounding homes is also an issue when shops enter a neighbourhood. For example, we experience a great deal of inappropriate behaviour from the young people that attend the local high schools. We are in the process of

developing a community watch program for our surrounding neighbourhoods and will be working with the school and police department to develop services for young people that teach respect for others and their property. (see attached)

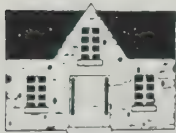
5. The proposed site is close to a high school and the Wellington Nursing Home. It has the potential for increasing the breakdown of the social mores of our community. These neighbourhoods require more green space and youth service/recreation facilities...not arcades and pizza parlours. If you must change the zoning for this area, convincing a non-profit group such as Kiwanis, to build a youth centre to service all the children in the area, especially the non-profit housing units, would be a more appropriate use of the by-law change.
5. DeSantis Construction, that build Highridge Plaza, made a commitment to the surrounding communities that he would not lease shops to businesses that offer alcoholic beverages and/or arcade type operations. They have maintained this commitment, in support of the communities wishes... to live in neighbourhoods that provide a good environment to raise children and provide a safe and nurturing community atmosphere. Has Valeri Construction Ltd. made the same kind of commitment to their neighbours and will they be there to help develop the neighbourhood environment?

I hope these comments help you to reach a fair and equitable decision with regards to this proposed facility. If you require further information or clarification of the above comments, please do not hesitate to call myself, our Medical Director - Dr. Les Lee, or our Social Worker - Catherine Coyle at 575-1300.

Sincerely,

A handwritten signature in cursive script, appearing to read "June Kutysia". The signature is written in dark ink and is positioned to the right of the typed name.

c.c. Mayor Robert Morrow
Alderman Henry Merling



Stonechurch Family Health Centre

AUG 12 1992

549 Stonechurch Road East, Hamilton, Ontario L8W 1A5 Tel.(416)575-1300 Fax(416)575-0779

2A88 1124

MEMO TO: Representatives of Communities surrounding Highridge Plaza

MEMO FM: June Kertyzia
Administrator,
Stonechurch Family Health Centre

RECEIVED

Re: Community Watch Program and Vandalism

AUG 12 1992

Dated: July 28, 1992

CITY CLERKS

The Landlord of Highridge Plaza, Mr. George Barclay spoke with a few representatives of the surrounding communities (Victoria Park, Los Andes, Appleridge), and found that we all had a common concern with regards to vandalism and personal safety.

Mr. Barclay arranged a meeting of these communities, with a representative from the police department, Constable Reg Downer. The meeting was held on Tuesday, July 28th, at Stonechurch Family Health Centre. I agreed to record our discussion and share this information with all those that were unable to attend the meeting.

Areas of concerns raised included:

- broken fences/vandalism
- unsightly graffiti
- litter and behaviour of high school students
- lack of programs for kids in area
- loitering
- garbage/litter blowing around from plaza
- break-ins at merchants in plaza

Constable Reg recommended the following:

- increased night lighting
- motion detector lights around homes and at back of stores
- video camera mounted on roof of Health Centre (house) to monitor the activity at the back of the plaza.

Reg also reported that the "beat" officer for this area was also the police officer responsible for the schools. There are four "beat" officers for this area. The mountain office is presently involved in organizing a neighbourhood watch program for this area which includes a neighbourhood watch coordinator from the community of Rushdale. There first meeting is being held in August at the CKOC building. Reg will inform them of the offer from Stonechurch

Family Health Centre to use the community room at the centre for future meetings and community education sessions etc.

Repainting over graffiti is very expensive. Reg reported that the HSR has found a chemical solvent that will remove the graffiti without damaging the original paint. The name of the HSR representative was given to George to follow up. He will pass on to any others requiring similar cleaning solutions.

Stonechurch Family Health Centre has arranged meetings in the fall with the principal of the high school and other representatives, to look at providing some programs and services of interest to the students, that might help them take some ownership for the facilities and decrease the vandalism, littering etc. George asked if he could attend the meeting to discuss the behaviour of the students at the plaza. I agreed to arrange a meeting with this as the major agenda item. I would also recommend that Lynn attend as well, so she can relay the problems that the students are causing at the postal box area etc. Possibly the "beat" officer could also attend. The students are also using our area as a parking lot while they are in school. Reg recommended that parking enforcement should be organized by the landlord and the school informed in writing before commencement of tagging of cars. In the meantime, call the principal with the licence number of the cars.

Littering and dumping is a major problem for Victoria Park and the Plaza. Reg reported that fines can be levied against those that dump and/or litter on the roads, but not on private property. This is one of the areas that a community watch program can really help. George agreed to get more garbage cans for around the variety store.

Every effort should be made to reach the parents, to educate their children that cutting through fences, in particular the ones that block the hydro wires is considered trespassing and they can be fined. Secondly, and probably more importantly is the fact that is an unsafe activity.

The need for organized activities in the evening for children and adolescents is still an issue since this area is under-serviced by recreation and community service organizations. Some of the neighbourhood representatives were upset that the Variety Store had added two video/arcade games into the store. George and Reg reported that they can keep stores out that are 100 % arcade type but two machines does not constitute an arcade. The parents will need to supervise the children's activities, if possible. Stonechurch Family Health Centre has a couple of rooms available that they would gladly allow community groups to use for sessions of interest to the children and parents of the neighbourhood. Brochures about the space and the programs offered will be distributed to the neighbourhoods in the fall.

Patrick Alsema from Los Andes, also reported that they have some facilities that they would willingly share with their other

neighbours.

Before the meeting adjourned, Reg distributed some flyers that the representatives could distribute in their units and a booklet called Business Crime Watch was given to George to photocopy whatever he felt would assist the merchants.

Everyone agreed that we should meet again in the fall (October) at a better time for all groups to attend. ie. late afternoon (end of a work day). June agreed to arrange the meeting and send out a notice to all known "community" representatives.

COMMUNITY CONTACTS:

Victoria Park Homes -
525 Stonechurch Rd. E
383-9282/527-0221

Edna Smith (Property Manager)
Lynn Weaver (Superintendent)

Appleridge -
574-9211

Jennifer

Los Andes -
625 Stonechurch Rd. E
574-1080

Patrick Alsema
Jackie Laking

Rushdale -

Stonechurch Family Health Centre - June Kertyzia
575-1300 (Administrator)

Community Watch Program -
Mountain Police Dept.
546-4925

Reg Downer
Community Watch Coordinator

DeSantis Construction -
Highridge Plaza/SFHC
664-7288

George Barclay
Vice-President/CEO
(Landlord)

June

9a)

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11
(P5-4-39)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

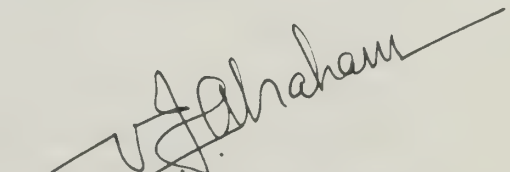
SUBJECT:

Upper James Land Use Review (West side of Upper James Street between Wembley and South Bend Roads)

RECOMMENDATION:

That approval be given to Option 2 to permit limited residential, commercial, public and institutional uses within the existing buildings, as detailed in the Upper James Street Land Use Review (APPENDIX "A"), for the west side of Upper James Street between Wembley and South Bend Roads (Nos. 674 to 712 Upper James Street).

J. D. Thoms, M.C.I.P.,
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1987, the Planning and Development Committee directed staff to undertake a land use review of the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads. In June 1990, the findings of the study were presented to the Planning and Development Committee.

Four land use options were explored:

- ◆ Option 1: to maintain the existing residential uses along Upper James Street;
- ◆ Option 2: to allow limited commercial and institutional uses within the existing buildings;
- ◆ Option 3: to redevelop the Upper James Street frontage for commercial and mixed commercial/residential uses; and,
- ◆ Option 4: to redevelop the two blocks between Upper James Street, South Bend Road, West 1st Street and Wembley Roads for mixed commercial/residential uses.

Option 2 was identified as the most appropriate strategy for the following reasons:

- it is least likely to undermine adjacent land uses;
- the existing engineering services would be adequate;
- a smooth transition to commercial conversion on the same basis as the area to the north (Wembley to Fennell).

The Planning and Development Committee opted to maintain the status quo by preserving the existing residential uses along the west side of Upper James Street. The Committee directed the Upper James Land Use options be reevaluated in June 1991.

The purpose of the previous study, as well as this study, is to formulate a strategy through guidelines and/or policies which will give direction to future land use considerations along Upper James Street at the periphery of the Bonnington Neighbourhood. A strategy is imperative for: delineating, in a comprehensive manner, how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

Since June of 1990, the Planning and Development Committee has approved an application for an orthopaedic supply store at No. 674 Upper James Street.

JH-E/dkp

B:\UPPJAMES.P&D

Appendix A

Upper James Land Use Review

July 1992



Prepared by the
Planning and Development Department

Land Use Review

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1.0) BACKGROUND

In 1987, the Planning and Development Committee directed staff to undertake a land use review of the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads (see Map 1). In June 1990, the findings of the study were presented to the Planning and Development Committee.

Four land use options were explored:

- ◆ Option 1: to maintain the existing residential uses along Upper James Street;
- ◆ Option 2: to allow limited commercial and institutional uses within the existing buildings;
- ◆ Option 3: to redevelop the Upper James Street frontage for commercial and mixed commercial/residential uses; and,
- ◆ Option 4: to redevelop the two blocks between Upper James Street, South Bend Road, West 1st Street and Wembley Roads for mixed commercial/residential uses.

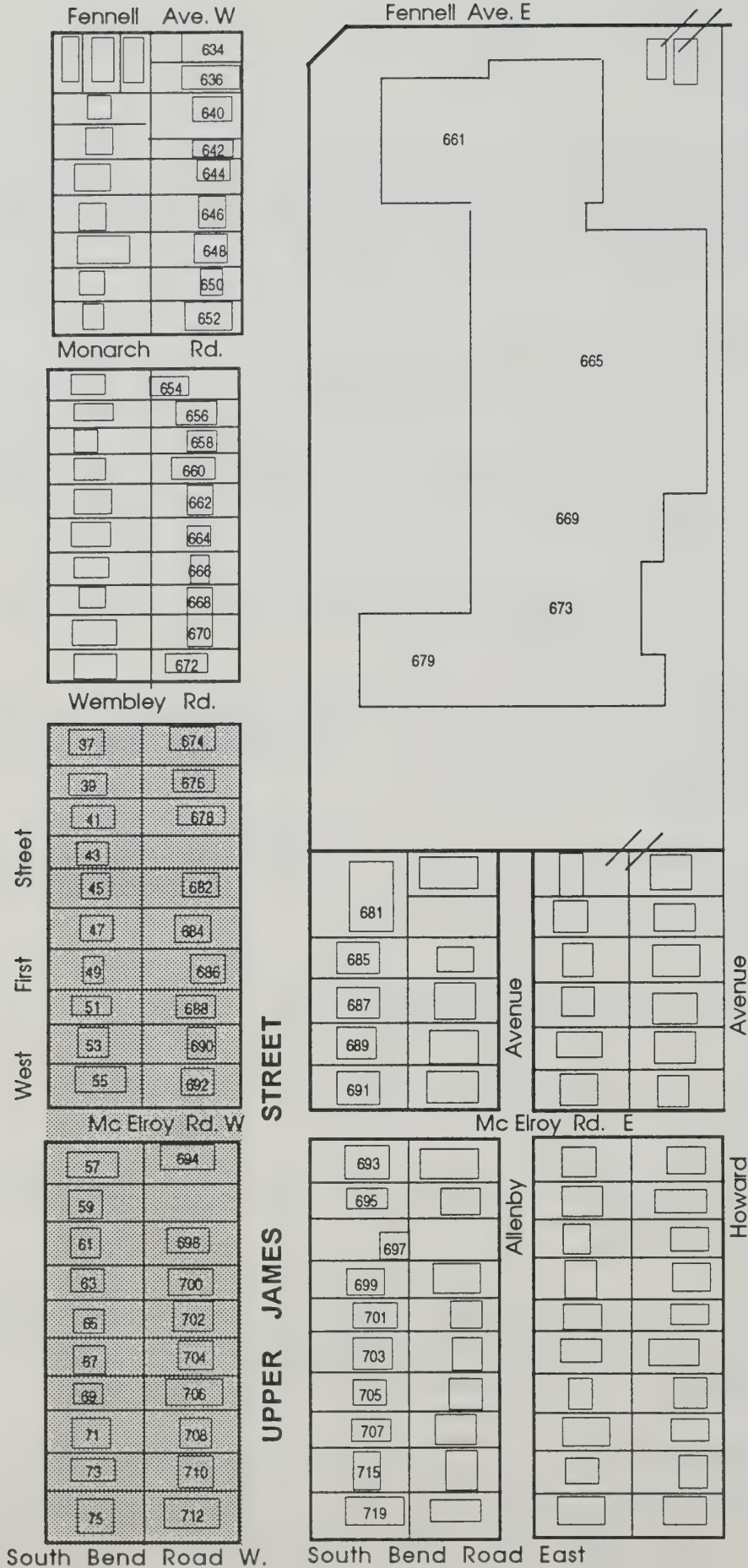
Option 2 was identified as the most appropriate strategy for the following reasons:

- it is least likely to undermine adjacent land uses;
- the existing engineering services would be adequate;
- a smooth transition to commercial would be able to occur as demand for conversion increases; and,
- it would allow commercial conversion on the same basis as the area to the north (Wembley to Fennell).

The Planning and Development Committee opted to maintain the status quo by preserving the existing residential uses along the west side of Upper James Street. The Committee directed the Upper James Land Use options be reevaluated in June 1991.

The purpose of the previous study, as well as this study, is to formulate a strategy through guidelines and/or policies which will give direction to future lands use considerations along Upper James Street at the periphery of the Bonnington Neighbourhood. A strategy is imperative for: delineating, in a comprehensive manner,

MUNICIPAL NUMBERS



how new uses and/or redevelopment can occur within the established neighbourhood fabric; and, evaluating the merits of proposals for change. Applications in the study area are currently dealt with on an ad-hoc basis, with no specific guidelines or policies in place.

1.1) *Development History*

As Hamilton grew "southward" in the 1950's and 60's, Upper James Street became one of the major commercial corridors on the mountain. Despite the commercial development extending along Upper James Street, a few city blocks have remained residential. In fact, up until 1983, the blocks between Fennell Avenue and South Bend Road, remained primarily residential, with the exception of the Mountain Plaza (rezoned for a shopping centre in 1957). Presently, the area between Fennell Avenue and Wembley Road is experiencing a slow transition from residential to commercial.

Although the pressure for commercial development has been moderate, it is likely to accelerate, given, the extent of existing commercial development along the Upper James Street corridor, and the opportunity to convert less expensive residential land for commercial use.

1.1.1) 638-672 Upper James Street - North of the Study Area (ZA-80-31)

In 1980, a Zoning Application was submitted requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the development of these lands for commercial purposes. Council considered the area inappropriate for commercial development (i.e. incompatibility with adjacent uses, creation of traffic hazards on Upper James Street, increased traffic on local streets) and denied the application.

An appeal was subsequently made to the Ontario Municipal Board and the application was approved. The Board considered the area suitable for commercial uses and directed the City to amend its Official Plan (Special Policy Area 19) and Zoning By-law, and to place the area under Site Plan Control. The amendments permitted limited commercial uses within the existing buildings. For details of Council's disposition and the Board's decision, see Appendix A.

Further amendments provided for the development of vacant land at 638 Upper James (Special Policy Area 29) and the exemption of 660 Upper James from the restriction to the existing building (Special Policy Area 34).

1.1.2) Within the Study Area

a) 678 Upper James Street (ZA-86-51)

On March 10, 1987, Council adopted Official Plan Amendment No. 49, (Special Policy Area 38) and passed By-law 87-221 which permitted the conversion of the existing residential building for limited commercial uses. The provisions applied were the same as those for 638-672 Upper James Street.

As a result of this application, Council requested staff to undertake a land use review of the Upper James Street corridor between Wembley and South Bend Roads.

b) Nos. 694-696 Upper James Street (ZA 88-124)

In November 1988, an application was received for an Official Plan Amendment and a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community and Shopping and Commercial, etc.) District for the above noted property. The intent of the OPA and the rezoning was to permit limited commercial uses within the existing building. The application was held in abeyance pending the completion of the land use review.

City Council, at its meeting October 9, 1990, passed By-laws 90-312 and 90-313, thereby allowing limited commercial uses within the existing buildings. The provisions applied were similar to those for Nos. 638 to 672 Upper James Street.

c) No. 710 Upper James Street (ZA 90-31)

In 1990, an application was received for an Official Plan Amendment and a change in zoning from "C" (urban Protected Residential, etc.) District to "H" (Community and Shopping and Commercial, etc.) District for the above noted property. The intent of the OPA and the rezoning was to permit limited commercial uses within the existing building. The application was held in abeyance pending the completion of the land use review.

City Council, at its meeting October 9, 1990, passed By-laws 90-314 and 90-315, thereby allowing limited commercial uses within the existing buildings. The provisions applied were similar to those for Nos. 638 to 672 Upper James Street.

d) No. 674 Upper James Street

An application was received for an Official Plan Amendment and a change in zoning from "C" (urban Protected Residential, etc.) District to "H" (Community and Shopping and Commercial, etc.) District for the above noted property. The intent of the OPA and the rezoning was to permit an orthopaedic supply store within the existing building.

At its meeting of August 21, 1991, the Planning and Development Committee approved the application for an OPA and a change in zoning. The conditions under which development could take place were similar but the uses were restricted to an orthopaedic supply store only whereas other applications were permitted a range of commercial uses. In addition, the Committee requested that a site plan on the property be completed prior to passage of the amending by-law. To date, no site plan has been submitted.

In 1992, the owner submitted a further application to permit doctor's offices within the existing building. The application has been held in abeyance until the review of the Upper James Street corridor is complete.

1.2) *Existing Land Use**

1.2.1) 638-672 Upper James Street - North of the Study Area

Of the 19 buildings north of the study area: 5 are used strictly for commercial purposes; 7 for mixed residential/commercial purposes; and the remaining 7 are used for residential purposes. This land use mix indicates that the area is under slow transition from residential to commercial.

1.2.2) Within the Study Area

The predominant land use is single family dwellings (see Map 2). However, 2 mixed commercial/residential and 2 commercial uses do exist. Commercial establishments include a Chiropractor office and a variety store. Generally, the buildings are 1 1/2 to 2 storeys in height, and appear to be in good condition. The majority of the lots have driveways along the north side of the house. Existing uses are summarized in Table 1 below.

EXISTING LAND USE

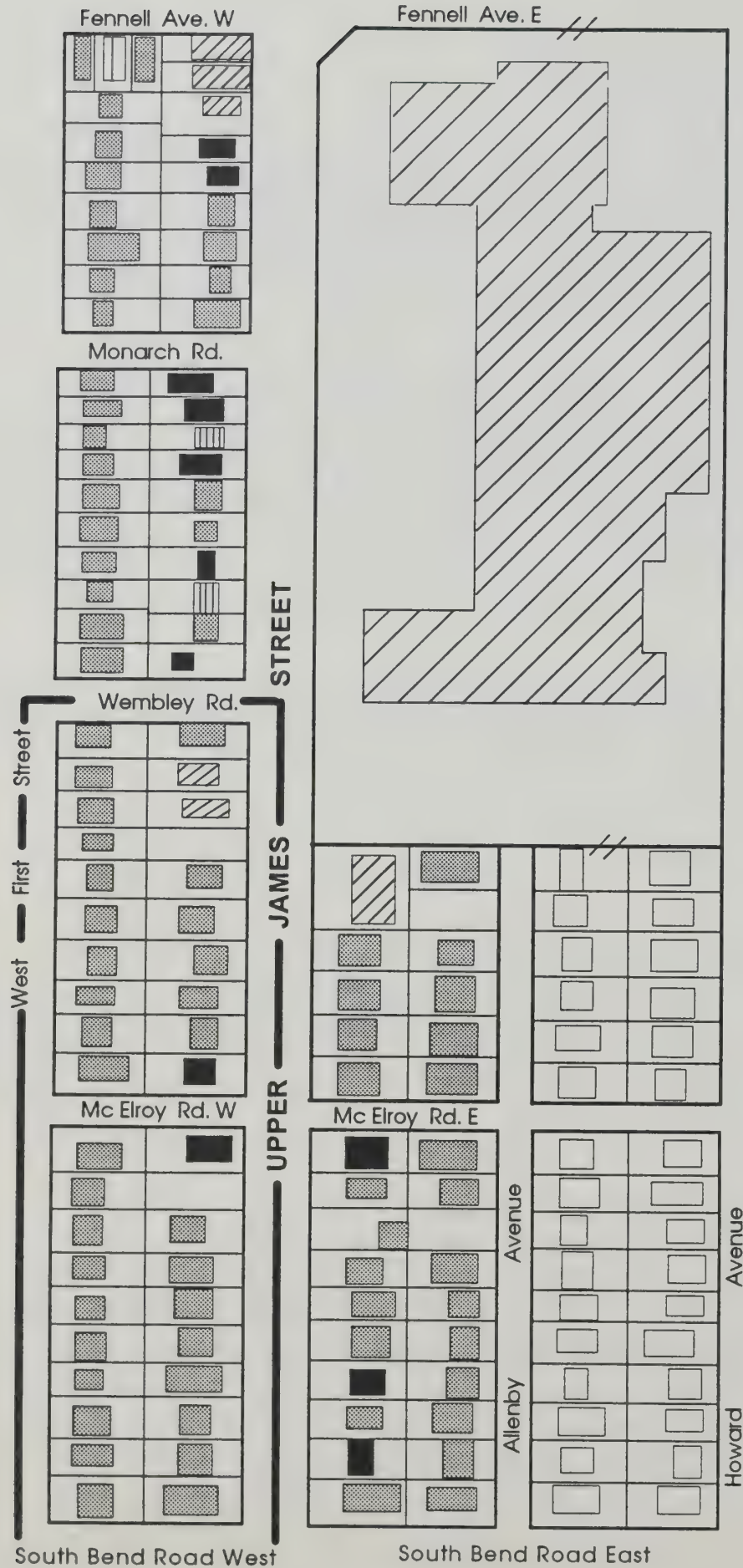


Table 1 Existing Land Use

	Upper James St.	West 1st St.
mixed commercial/ residential	2	0
single family dwellings	14	20
commercial	2	0

1.2.3) Lot Sizes

The lot sizes in the study area are typical of those found in a "C" District - 12 m X 30.5 m (40' x 100'), however the depths tend to be shallow. The average lot sizes are summarized in Table 2 below.

Table 2 Average Lot Sizes

	Frontages	Depths	Areas
Upper James Street	15.2 m (50 ft.)	26.8 m (88 ft.)	409 m ² (4,400 sq.ft.)
West 1st Street	15.2 m (50 ft.)	32 m (105 ft.)	486 m ² (5,231 sq.ft.)

1.2.4) Ownership

Approximately 80% of the homes in the study area are owner-occupied. This statistic suggests stability in the residential uses.

* Based on site survey, July, 1992.

1.3) *Transportation and Engineering Services*

1.3.1) Roadways and Alleyways

Upper James Street is a major arterial road, as well as a Provincial highway, running in a north/south direction. It is also a major truck route linking the downtown with the mountain and the municipalities beyond.

Traffic volumes have been constant over the last seven years. In a 24 hour period, approximately 27,600 vehicles use Upper James Street, south of Fennell Avenue. Similarly, truck volumes have remained stable over the last seven years ranging between 380 to 560 in the 7-10 AM and 2-6 PM peak hours. Clearly, the large traffic volumes are not reflective of a residential street.

Within the study area, there are "public unassumed" alleyways west of Upper James Street.

1.3.2 Public Transit

The study area is served by the Upper James route running from Gore Park to either Sister Elizabeth Village or the Mountain Transit Centre. As well, the Fennell route runs from the Bayfront to Mohawk College and the Mohawk route runs from Upper Kenilworth Avenue to Upper Horning Road.

1.3.3) Watermain Capacity

Watermain capacity is sufficient to accommodate increased development fronting on Upper James Street. However the capacity of the watermains on South Bend, McElroy and Wembley Roads is barely sufficient for single family dwellings.

1.3.4) Storm and Sanitary Sewer Capacity

Upper James Street has a combined sanitary and storm sewer system which, at the present time, is barely sufficient to service the existing development. Increased development intensity in the area may create the necessity to upgrade the sewer system; however, no

provision has been made in the Five Year Capital Works Program for such an undertaking.

1.4) *Existing Planning Controls*

Planning controls shape the manner and type of development that will occur. These include: the Official Plan, Neighbourhood Plan, Zoning By-law and Site Plan Control.

1.4.1) Official Plan

The study area is designated primarily "RESIDENTIAL" on Schedule "A" - Land Use Concept (see Map 3). The primary permitted uses are dwellings. In addition, Local Commercial uses and Home Occupations may also be permitted, subject to certain provisions.

The 4 commercial properties within the study area have been redesignated "COMMERCIAL" on Schedule "A". In addition, Special Policy Areas have been created to {SPA 38-678 Upper James Street; SPA 53-Nos. 694-696 Upper James Street, SPA 54-710 Upper James Street and SPA 57-No. 674 Upper James Street} permit limited commercial uses.

1.4.2) Neighbourhood Plan

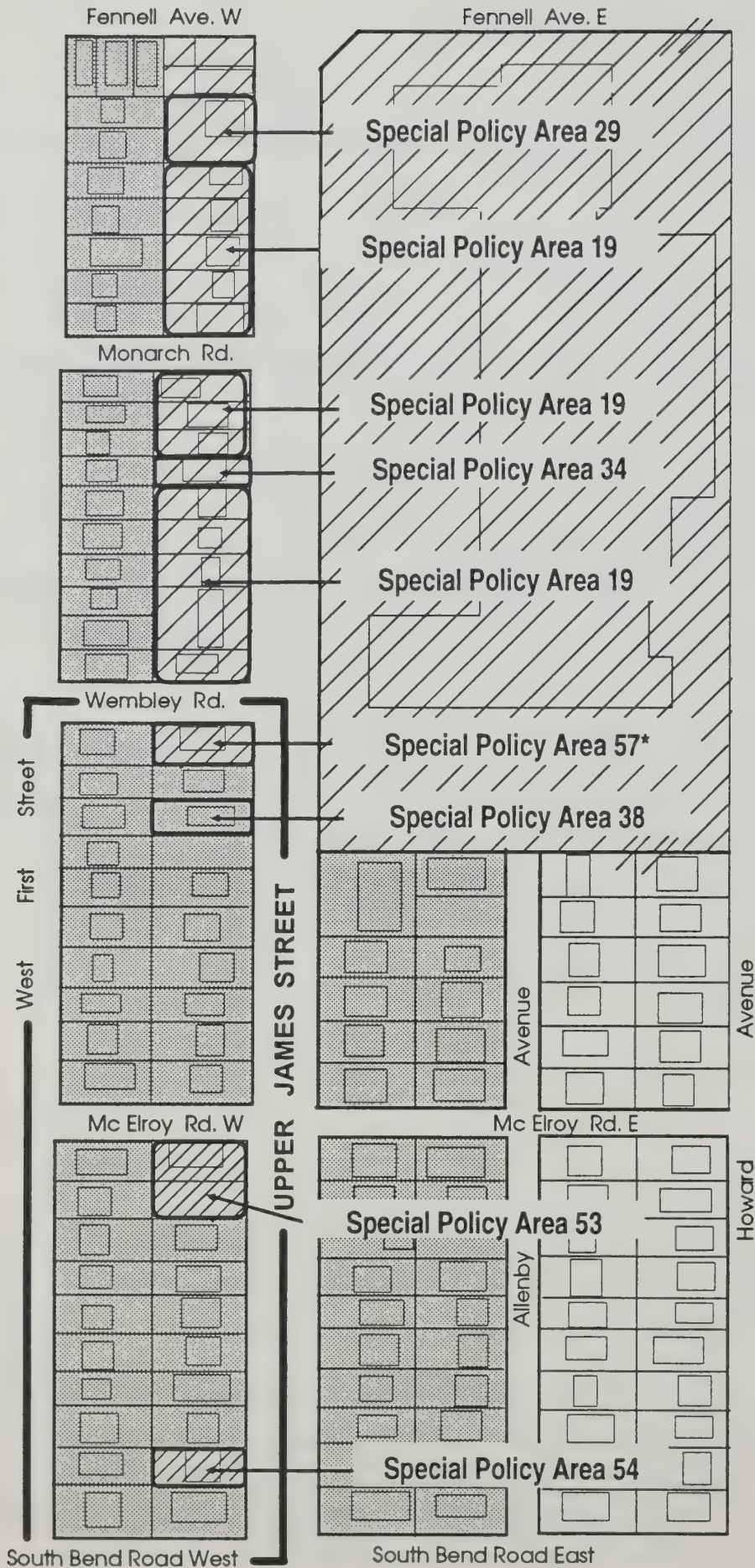
There is no Neighbourhood Plan for the Bonnington Neighbourhood.

1.4.3) Zoning By-law

The majority of the properties are zoned "C" (Urban Protected Residential, etc.) District (see Map 4). In addition to single family dwellings, converted dwellings, foster homes, residential care facilities, day nurseries, and home occupations may also be permitted.

Three properties (Nos. 678, 694-696, and 710 Upper James Street) have been zoned "H" (Community Shopping and Commercial, etc.) District, modified, to permit a limited number of public, residential, institutional and commercial uses (i.e. book store, antiques, personal service establishments) and requires parking, etc. The same zoning regulations apply to this property as those north of Wembley Road.

OFFICIAL PLAN DESIGNATIONS & SPECIAL POLICY AREAS

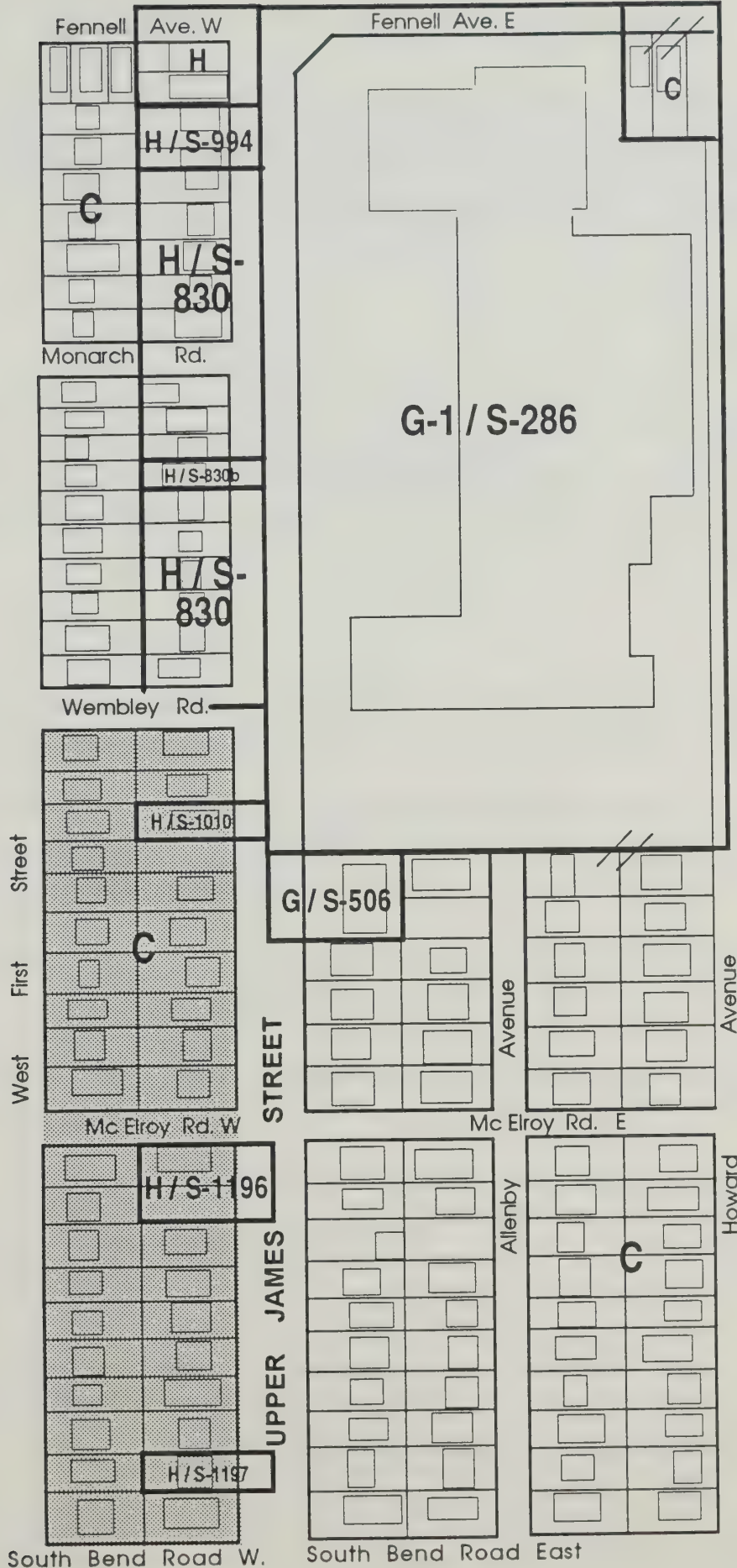


LEGEND

- Study Area
- Special Policy Areas
- Residential
- Commercial

* not approved by Region

EXISTING ZONING



LEGEND



Study Area

The property at No. 674 Upper James Street has been not been rezoned yet. However, there is a Council direction to prepare a by-law to change the zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit an orthopaedic supply store as well as residential uses.

1.4.4 Site Plan Control

The majority of the study area is not under Site Plan Control, since Site Plan Control does not apply to the "C" and "H" Districts. However, Council has the option of requiring its application on specific properties. This was done in the case of Nos. 674, 678, 694-696 and 710 Upper James Street to ensure that adequate parking, access, buffering and landscaping were being provided (see Map 5).

2.0) ANALYSIS

In reviewing the background research and site analysis, certain characteristics of the study area are critical in the evaluation of land use options or strategies. Specifically:

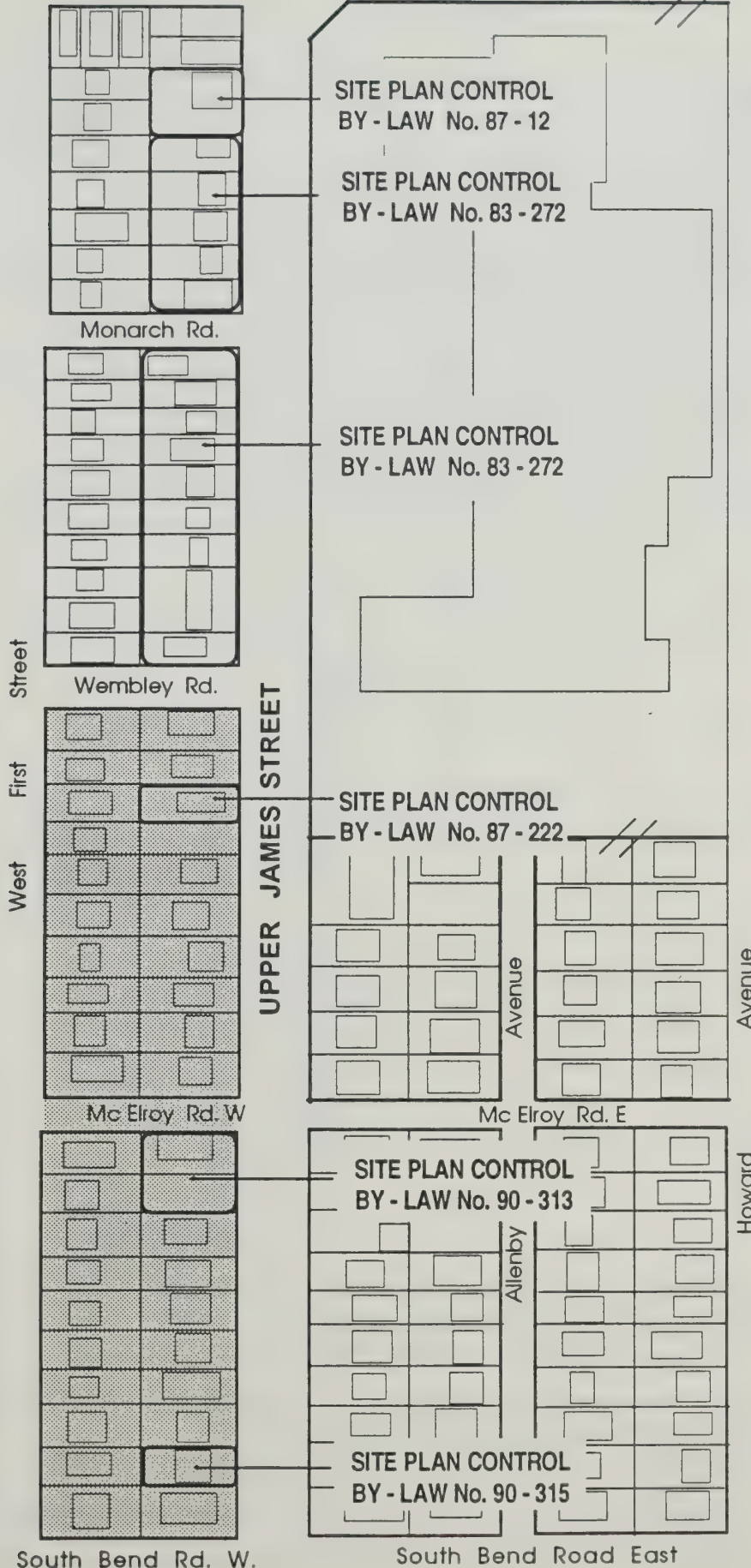
- 1) The study area consists of a multiplicity of small fragmented parcels of land. Generally, the average lot size is between 409 and 455 m² (4,400 and 4,900 sq. ft.), with shallow depths averaging 26.8 to 30.5 m (88 to 100 ft.);
- 2) The study area is located between two commercial nodes, south and north of the study area, which offer a wide variety of goods and services;
- 3) Upper James Street is a major transportation corridor carrying high volumes of both truck and automobile traffic as well as being serviced by public transit;
- 4) Engineering services are restricted in that the watermain capacity cannot accommodate further development along South Bend, McElroy or Wembley Roads and the sewer system cannot accommodate any increased development density; and,
- 5) In spite of the adjacent commercial concentrations and high traffic volumes, the study area still appears to be a viable residential enclave by virtue of the number of residential uses and the conditions of the buildings.

Fennell Ave. W

Fennell Ave. E

MAP No. 5

EXISTING SITE PLAN CONTROL



LEGEND



Study Area



Under Site Plan Control

2.1) *Land Use Options*

There are 4 land use options that may be considered:

- ♦ Option 1: Retain the residential uses within the study area and not permit further commercial development.
- ♦ Option 2: Permit conversion of existing structures fronting onto Upper James for limited commercial purposes.
- ♦ Option 3: Permit redevelopment of Upper James frontage only for commercial and/or mixed commercial/residential uses.
- ♦ Option 4: Permit comprehensive redevelopment of both blocks, west of Upper James Street, for commercial and/or mixed commercial/residential uses.

2.1.1) Option 1

To maintain the status quo, which would not permit any further commercial intrusion.

Advantages

- No need to expand existing sewer and watermain services.
- No additional potential traffic onto Upper James or local streets.
- No detrimental impact on adjacent residential areas.

Disadvantages

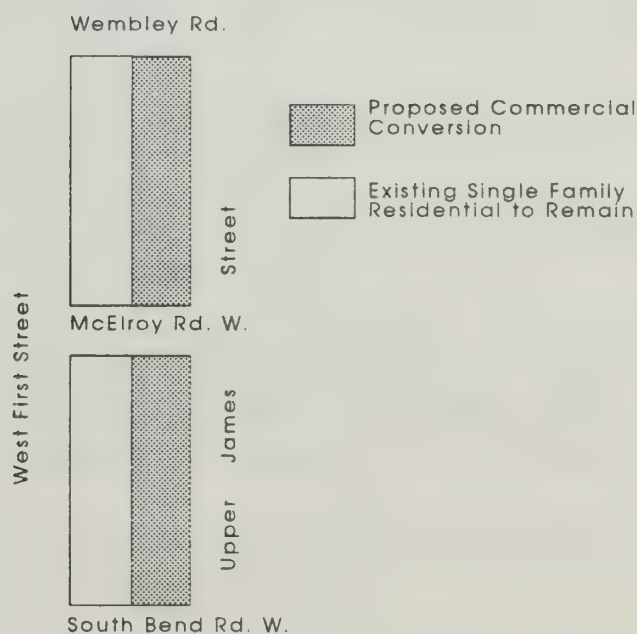
- This option ignores the fact that pressure for commercial redevelopment is likely to increase, without proper policy guidance.
- As Upper James continues to develop as a commercial corridor, the viability of the study area for residential uses will diminish.

Option 1 is not a desirable alternative as it ignores the potential development pressures along the corridor. As pressure is likely to increase, redevelopment for commercial use appears unavoidable.

2.1.2) Option 2

To permit the conversion of the existing structures fronting onto Upper James Street for limited public, residential, institutional and commercial uses (see below). Institutional uses would be restricted to a day nursery; public uses to an art gallery and library. The types of commercial uses permitted would be limited to personal services, offices, retail stores (jewellery, drug store, food, flowers, etc.). In order to provide affordable housing in the area, retention of a residential component would be encouraged, (i.e. apartments above commercial.) Parking would be required. In addition, the land would be placed under Site Plan Control to ensure that design aspects such as, access, parking layout, etc., are satisfactory to ensure that any impacts on the adjacent residential area would be negated.

OPTION 2



Advantages

- The existing low profile streetscape would be maintained by requiring the retention of the existing structures.
- It would not overburden existing sewers and watermains, given that conversions would be limited to existing structures;

- It would ensure that the uses permitted and zoning standards for those properties fronting on the west side of Upper James Street between Fennell Avenue and South Bend Roads would be consistent.
- The impact on adjacent residential uses would be minimal in that conversion is contained to the existing building.
- Increase in traffic and parking on the adjacent local streets would be minimal.

Some affordable housing would be retained.

Disadvantage

- Large number of accesses onto Upper James Street, due to individual driveways, could have an impact on traffic.

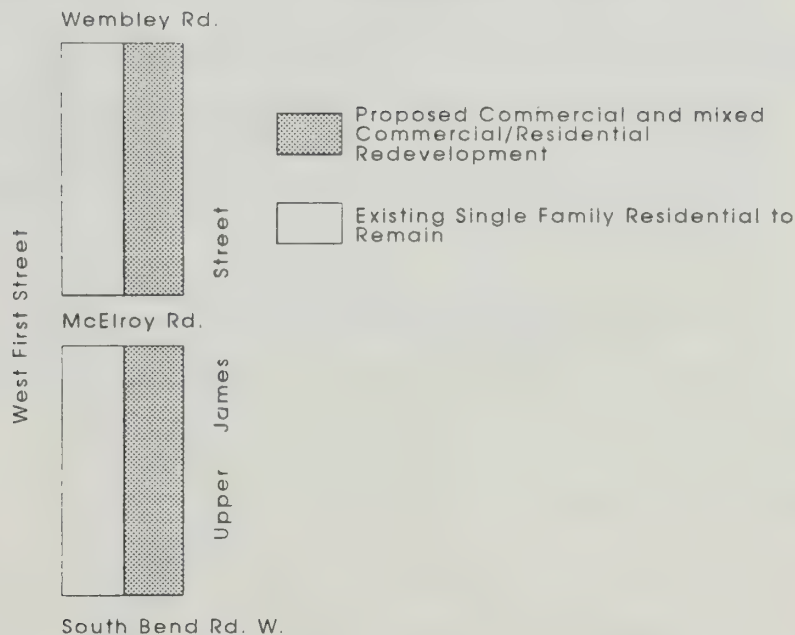
The only disadvantage appears to be the numerous accesses onto Upper James Street. However, shared accesses and parking areas for adjacent commercial uses could be encouraged to alleviate potential traffic problems. Further, it should be noted that the Traffic Department has not indicated the individual accesses to be a concern.

As seen above, the advantages of this Option greatly outweigh the one disadvantage. Existing services would be adequate for the proposed redevelopment, the impact on the adjacent residential area would be minimal, the existing low profile streetscape would be maintained, and uses permitted would be consistent with other commercial uses in the area.

2.1.3) Option 3

To permit the redevelopment of the Upper James frontage for commercial and/or mixed commercial/residential uses (see below). Existing residential uses on West First Street would remain. Due to the small size and fragmented ownership of properties, it is likely that at least two or more properties would have to be assembled and redeveloped in order to accommodate setbacks, parking, landscaping and other performance standards.

OPTION 3



Advantages

- There may be fewer access driveways onto Upper James Street, reducing any potential impact on traffic.
- The area would be suitable for multiple-family residential uses, mixed commercial/residential uses, and/or retirement home, i.e. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

- There would be some impact on adjacent residential uses, i.e. increased noise, increased traffic, overflow parking, visual impacts.
- It is likely that the sewer system would have to be upgraded to accommodate the increased development.

- The properties are too small in size to be redeveloped individually, land assembly would be required.

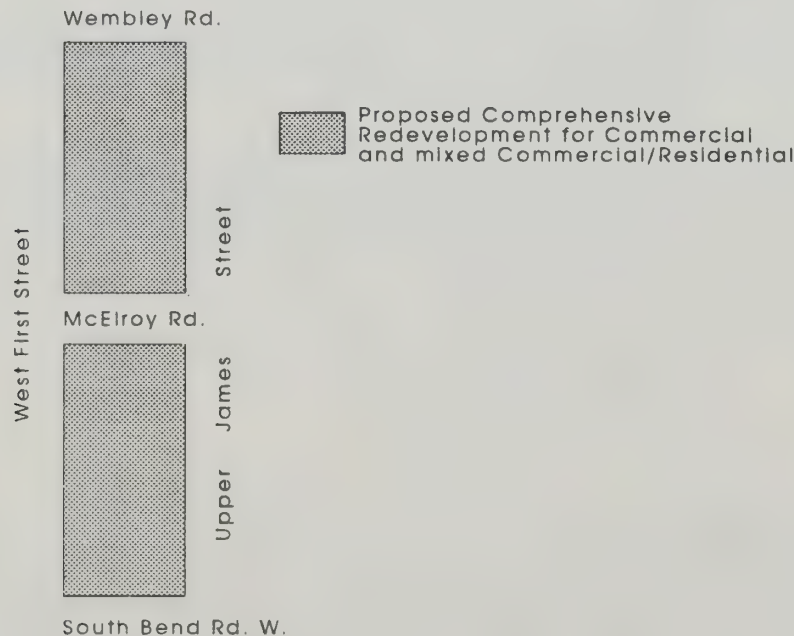
There are a number of disadvantages that make this Option considerably less feasible than Option 2. One disadvantage is the upgrading of the existing sewer system which would be necessary to service the area, a large portion of the cost which would be borne by the Region.

In addition, some land assembly would be required for redevelopment. Also, the potential for detrimental impact on the adjacent residential uses would be greater.

2.1.4) Option 4

To permit the complete redevelopment of the entire study area, for commercial or mixed commercial/residential purposes (see below).

OPTION 4



Advantages

- This option would provide for larger developments which could meet the Zoning requirements ("H" District) and the performance standards.
- As in Option 3, there would be fewer access drives onto Upper James Street, thus reducing any potential impact on traffic.

- The area would be suitable for multiple-family residential uses, mixed uses and/or retirement home, i.e. close to shopping, public transit, etc.
- Some affordable housing could be supplied, in the form of higher density residential development.

Disadvantages

- Both the sewer and watermain systems would have to be upgraded to serve the area with a satisfactory level of engineering services.
- It would result in the intrusion of commercial development into the stable residential areas in the interior of the neighbourhoods. Some impact on the adjacent residential area would be expected, such as: increased noise; visual impacts; additional traffic and/or spill over parking on residential streets.
- Extensive land assembly would be essential.

Again, there are a number of drawbacks associated with this Option. Existing engineering services are inadequate to service redevelopment of this extent. Upgrading of both the sewer and the watermain systems would be required. Complete redevelopment of the entire blocks for commercial or mixed commercial/residential uses would cause an intrusion of commercial uses into a stable residential area. Associated traffic and spill over parking would likely impact the adjacent residential area. Further, extensive land assembly would be required for this Option.

3.0) CONCLUSION

Based on the above analysis, it is prudent to formulate a strategy at this time, for the conversion and/or redevelopment of the study area for commercial or mixed commercial/residential use. This will ensure that proper guidelines/policy are in place.

If redevelopment is to be permitted in the Study area, Option 2 is the least likely to undermine adjacent residential uses, would keep development pressure in check, and would not fuel speculation. A smooth transition from residential to commercial would be able to occur as the demand for conversion increases. As well, Option 2 would provide for redevelopment that would be consistent with the area to the north (Wembley to Fennell). **Consequently, Option 2 should be adopted as the Land Use Strategy for the area.**

The implementation strategy for Option 2 would require amendments to the Official Plan and Zoning By-law, the establishment of Site Plan Control and adoption of Development Guidelines.

JH-E/dkp

B:\UPPJAMES.REP

CITY OF HAMILTON
- RECOMMENDATION -

96)
RECEIVED

AUG 12 1992

CITY CLERKS

DATE: 1992 August 12
(CI-92-D)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Official Plan Amendment and Changes in Zoning -
West Side of Upper James Street between Wembley and South bend Roads
(Nos. 674 to 712 Upper James Street)

RECOMMENDATIONS:

A. That the following By-laws be repealed in their entirety:

- i) By-law No. 87-68 (Official Plan Amendment No. 49) - No. 678 Upper James Street
- ii) By-law No. 87-221 (ZA 86-51) - No. 678 Upper James Street
- iii) By-law No. 87-222 (Site Plan Control) - No. 678 Upper James Street
- iv) By-law No. 92-304 (Official Plan Amendment No. 93) - No. 694-696 Upper James Street
- v) By-law No. 92-312 (ZA 88-124) - No.694-696 Upper James Street
- vi) By-law No. 92-313 (Site Plan Control) - No. 694-696 Upper James Street
- vii) By-law No. 92- 305 (Official Plan Amendment No. 94) - No. 710 Upper James Street
- viii) By-law No. 92-314 (ZA 88-124) - No. 712 Upper James Street
- ix) By-law No. 92-315 (Site Plan Control) - No. 712 Upper James Street

- B. That approval be given to Official Plan Amendment No. for a redesignation from RESIDENTIAL to COMMERCIAL on Schedule "A" and the creation of a "Special Policy Area" on Schedule "B", for the lands on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 674 to 712 Upper James Street), as shown on the attached map marked as APPENDIX "A" and the City Solicitor be directed to prepare a By-law for submission to the Regional Municipality of Hamilton-Wentworth
- C. That approval be given to City Initiative 92-D, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit limited residential, commercial, public and institutional uses within the existing buildings, for properties located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street), as shown on the attached map marked as APPENDIX "B", on the following basis:
- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. to the lands located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street), by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit redevelopment of the subject lands until the applicant/owner has applied for and received approval of a Site Plan.
 - ii) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H"-'H' (Community Shopping and Commercial, etc. - Holding) District;
 - iii) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding Section 14(1) of Zoning By-law No. 6593, only the following uses shall be permitted within the buildings existing at the date of the passing of this by-law:

Residential

- 1) single-family dwelling;
- 2) one dwelling unit in the same building with a permitted commercial use.

Commercial

- 3) business or professional person's offices;
- 4) photographer's or artist's studio but not including a motion picture studio;
- 5) barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- 6) retail store selling:
 - i) wearing apparel and accessories;
 - ii) furniture, home furnishings, appliances;
 - iii) antiques;
 - iv) books and stationary;
 - v) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - vi) cameras and photographic supplies;
 - vii) jewellery;
 - viii) flowers, plants and like goods sold or offered for sale by a florist;
 - ix) sale and dispensing of optical goods;
 - x) computer sales and service; and,
 - xi) musical instruments sales and service;
- 7) photocopy service;
- 8) retail drug store;

- 9) food store;
- 10) retail variety store;
- 11) showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures, or a pet shop; and,
- 12) commercial lending library or art gallery.

Institutional

- 13) day nursery.

Public

- 14) library; and,
- 15) art gallery.

Accessory Use

- 16) a wall, ground or projecting sign that complies with the following requirements:
 - i) no sign shall exceed 1.2 metres in vertical dimension or 2.2 square metres in area; and,
 - ii) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- b) No extensions or enlargements of the buildings existing at the date of the passing of the By-law shall be permitted.
- c) Notwithstanding Sections 14(2) and (3) of Zoning By-law No. 6593, the following regulations shall apply to the development of lots vacant at the date of the passing of this by-law:

- 1) no building shall exceed 2.0 storeys in height;
 - 2) a front yard depth of at least 4.5 meters;
 - 3) a side yard along each side lot line of a width of at least 1.2 metres; and;
 - 4) a rear yard of a depth of at least 7.5 metres.
- d) In the event that the existing building is destroyed or demolished, it may be replaced only with a building with the same external dimensions and floor area as the building which it replaces and subject to the uses as set out in iiii) above and the regulations set out in iiic) above.
- e) A visual barrier not less than 1.2 meters high and not more than 2.0 meters high; and a minimum 1.5 meter wide landscaped planting strip shall be provided and maintained along the entire westerly lot line.
- f) All lighting facilities at the rear of the properties shall be installed and maintained so as to ensure that the light is directed away from all adjacent residential uses.
- g) Notwithstanding Section 18A(1) of Zoning By-law No. 6593, the following parking requirements shall be provided and maintained:
- i) One space for each dwelling unit;
 - ii) One space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
 - iii) One space for every 6 children for day nurseries; and,
 - iv) One space for every 31 m² of floor area for all other permitted uses.

- iv) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule , and the subject lands on Zoning District Map W-8 be notated S- ;
 - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council; and,
 - vi) That the proposed zoning change will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
- D. That Site Plan Control By-law 79-275, as amended by By-law 87-223, be amended by adding the lands on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street);
- E. That the Development Guidelines contained in this Report be adopted.

EXPLANATORY NOTE:

1. City Council will adopt Official Plan Amendment No. for a redesignation from RESIDENTIAL to COMMERCIAL on Schedule "A" and the creation of a "Special Policy Area" on Schedule "B", for the lands on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 674 to 712 Upper James Street), as shown on the attached map marked as APPENDIX "A".
2. With the introduction of Official Plan Amendment No. , the following OPA's will be repealed:
 - Official Plan Amendment No. 49 - No. 678 Upper James Street (By-law No. 87-68);
 - Official Plan Amendment No. 93 - No. 694-696 Upper James Street (By-law No. 92-304); and,

- Official Plan Amendment No. 94 - No. 710 Upper James Street (By-law No. 92-305).

3. The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act R.S.O. to the lands located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street), by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit redevelopment of the subject lands until the applicant/owner has applied for and received approval of a Site Plan.

City Council may remove the 'H' symbol and thereby, give effect to the "H" District regulations, as stipulated in the amending By-law outlined below once the conditions have been fulfilled.

4. The purpose of the by-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified, for properties located on the west side of Upper James Street between Wembley and South Bend Roads (Nos. 676 to 712 Upper James Street), as shown on the attached map marked as APPENDIX "B" *.

The effect of the by-law is to permit the following limited residential, commercial, public and institutional uses within the existing buildings only:

Residential

- single-family dwelling;
- one dwelling unit in the same building with a permitted commercial use.

Commercial

- business or professional person's offices;
- photographer's or artist's studio but not including a motion picture studio;

- barbershop, hairdressing establishment, beauty parlour, physical fitness studio, reducing salon, shoeshine parlour or other like establishment;
- retail store selling:
 - a) wearing apparel and accessories;
 - b) furniture, home furnishings, appliances;
 - c) antiques;
 - d) books and stationary;
 - e) tobacco, gifts, novelties, souvenirs, newspapers and magazines;
 - f) cameras and photographic supplies;
 - g) jewellery;
 - h) flowers, plants and like goods sold or offered for sale by a florist;
 - i) sale and dispensing of optical goods;
 - j) computer sales and service; and,
 - k) musical instruments sales and service.
- photocopy service;
- retail drug store;
- food store;
- retail variety store;
- showroom or sample room including such a room to deal with bona fide antiques but not including a second-hand shop, pawnbroker, shop for the sale of plumbing supplies or fixtures, or a pet shop; and,
- commercial lending library or art gallery.

Institutional

- day nursery.

Public

- library; and,

- art gallery.

Accessory Use

- a wall, ground or projecting sign that complies with the following requirements:
 - a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 square metres in area; and,
 - b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

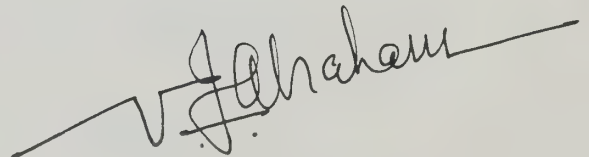
In addition, the by-law provides for the following variances as special requirements:

- No extensions or enlargements of the buildings existing at the date of the passing of the by-law shall be permitted;
- Development of vacant lots will be subject to the following regulations:
 - a) no building shall exceed 2 storeys in height;
 - b) a front yard depth of at least 4.5 meters;
 - c) a side yard along each side lot line of a width of at least 1.2 metres; and;
 - d) a rear yard of a depth of at least 7.5 metres.
- In the event that the existing building is destroyed or demolished, it may be replaced only with a building with the same external dimensions and floor area as the building which it replaces and subject to the uses and performance standards set out in the by-law;
- To require a visual barrier not less than 1.2 meters high and no more than 2.0 meters high; and a 1.5 meter wide landscaped planting strip shall be provided and maintained along the entire westerly rear lot line.

- All lighting facilities at the rear of the properties shall be installed and maintained so as to ensure that the light is directed away from all adjacent residential uses.
- To require the following parking standards:
 - a) One space for each dwelling unit;
 - b) One space for every 19 m² of floor area for medical offices (including doctor, dentist, osteopath, drugless practitioner);
 - c) One space for every 6 children for day nurseries; and,
 - d) One space for every 31 m² of floor area for all other permitted uses.

* It should be noted that the proposed zoning change does not apply to No. 674 Upper James Street since a site specific by-law is proposed for this property.

J.D. Thoms, M.C.I.P.,
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

In 1987, the Planning and Development Committee directed staff to undertake a land use review of the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads. In June 1990, the findings of the study were presented to the Planning and Development Committee.

Four land use options were explored:

- ◆ Option 1: to maintain the existing residential uses along Upper James Street;
- ◆ Option 2: to allow limited commercial and institutional uses within the existing buildings;
- ◆ Option 3: to redevelop the Upper James Street frontage for commercial and mixed commercial/residential uses; and,
- ◆ Option 4: to redevelop the two blocks between Upper James Street, South Bend Road, West 1st Street and Wembley Roads for mixed commercial/residential uses.

Option 2 was identified as the most appropriate strategy. However, Committee chose to retain the residential uses for one year and the Department was to reevaluate the area in 1991. The report prepared in August 1992 recommended Option 2. Amendments to the Official Plan, Zoning and Site Plan Control By-laws would be required to implement the Strategy.

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule "A". The following policies apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - i) Public parks less than .4 hectare in size;

- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
- iii) Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants therein; and,
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

The proposal does not comply to the Official Plan.

Based on the above, an Official Plan Amendment is required to redesignate the subject lands from RESIDENTIAL to COMMERCIAL and to create a Special Policy Area:

- to limit the types of commercial uses;
- to encourage proponents to retain a residential component, such as residential units above commercial uses on the ground floor;
- to restrict commercial uses to the existing buildings, or where existing buildings are destroyed new buildings with the same external building dimensions;
- to permit development of vacant lots only in keeping with the existing development in the area. As such, the height, bulk and setback of new structures will be consistent with those structures in the established area;
- to encourage proponents for redevelopment to use innovative parking and access designs, such as shared access for adjacent commercial uses to limit the total number of access onto Upper James Street. In this respect, redevelopment proposals which integrate the design of parking areas and accesses with those of adjacent existing or proposed Commercial uses will be given priority;
- to encourage rear yard parking as opposed to front yard parking, to maintain the low profile streetscape; and,

- to require adequate buffering (i.e. landscaping and fencing) between Commercial uses fronting onto Upper James Street and adjacent Residential uses.

In addition, there are three site specific OPA's for properties within this area. These OPA's should be repealed and replaced with one comprehensive amendment. They are:

- 1) OPA 49 - No. 678 Upper James Street;
- 2) OPA 93 - Nos. 694-696 Upper James Street;
- 3) OPA 93 - No. 710 Upper James Street.

OPA 101, applicable to No. 674 Upper James Street, is proposed to be repealed by a separate Council resolution since a site specific by-law is being proposed for the property.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

SITE PLAN CONTROL:

Site Plan Control does not apply to the "H" (Community Shopping and Commercial, etc.) District. Since the subject lands are located on a major arterial road and the rear of the properties abut residential, it would be appropriate to place the lands under Site Plan Control. In this way, the City would have control over performance standards (i.e. landscaping, parking) and design features (i.e. shared parking accesses).

The properties located at Nos. 678, 694/696 and 710 Upper James Street have site specific Site Plan Control By-laws, (By-law No. 87-222, 90-313 and 90-315). These by-laws should be repealed and replaced with one comprehensive by-law for the properties located between Nos. 676 and 712 Upper James Street (west side only). The property located at No. 674 Upper James Street is proposed to have an individual Site Plan Control By-law.

In this regard, Site Plan Control By-law 79-275, as amended by By-law 83-223, be amended by adding the above noted properties.

DEVELOPMENT GUIDELINES:

Development Guidelines are a beneficial planning tool to minimize any possible negative impacts. In this regard, the following Development Guidelines should be used when evaluating any proposals for commercial conversion:

- 1) In order to limit the total number of accesses onto Upper James Street, shared accesses with adjacent commercial uses will be encouraged. Innovative parking designs will also be promoted in order to maximize on-site parking while minimizing impacts on adjacent residential uses.

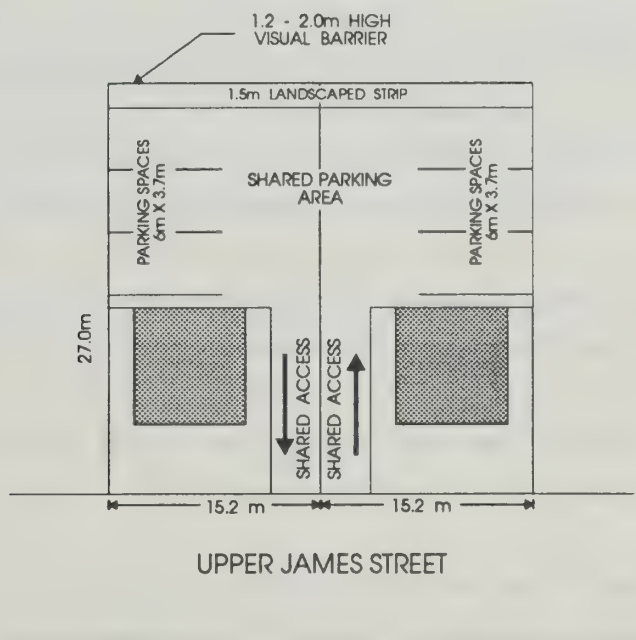
In order to accommodate the above noted features, proponents will be encouraged to redevelop two adjacent properties simultaneously or to co-ordinate the design of parking areas and accesses with those of adjacent existing or proposed commercial establishments.

- 2) Wherever possible, parking areas should be located to the rear of the sites to maintain the low profile streetscape.
- 3) The following shall be provided, in order to buffer adjacent residential uses from parking areas;
 - 1.2 to 2.0 meter high visual barrier; and,
 - 1.5 meter wide landscaped planting strip, along all rear lot lines.
- 4) In addition to 3) above, wherever possible, landscaping should be used along the individual side lot lines to maintain and embellish the overall character of the area. As well, to provide buffering between commercial conversions and existing residential uses.
- 5) Refuse containers will be appropriately located and buffered (including visual barriers and landscaping) to minimize any adverse impacts on adjacent residential areas.
- 6) Rear yard paved parking areas should be graded so as to direct runoff towards Upper James Street, away from residential uses to the rear of the commercial sites.

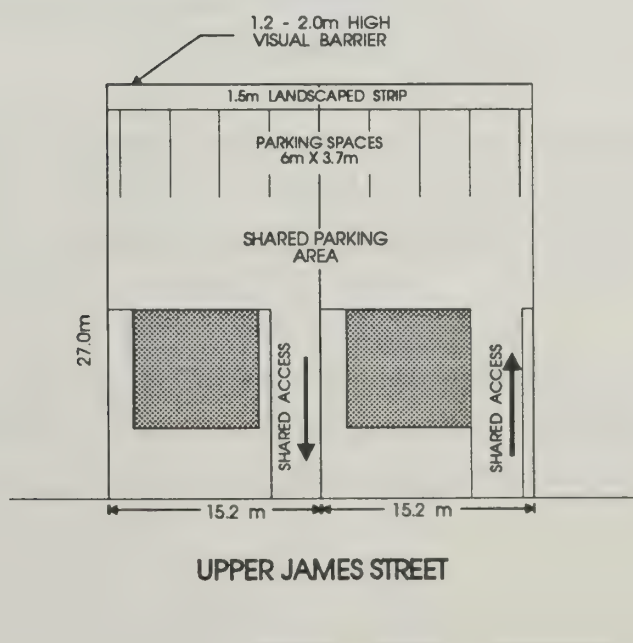
- 7) All lighting facilities will be directed downwards and shielded or oriented away from adjacent residential uses. Light standards will not be of a height sufficient to create a nuisance to adjacent residential uses.

Examples of site plans for conversions are shown below.

EXAMPLE 1



EXAMPLE 2



COMMENTS:

1. The proposal does not comply with the Official Plan. A redesignation from RESIDENTIAL to COMMERCIAL and the creation of a Special Policy Area are required for the properties located between Nos. 674 and 712 Upper James Street (west side only).
2. There is no Neighbourhood Plan for the Bonnington Neighbourhood.
3. The proposal to permit limited residential, commercial, institutional and public uses within the existing building can be supported for the following reasons:
 - the existing low profile streetscape would be maintained by requiring the retention of the existing structures;
 - it would not overburden existing sewers and watermains, given that conversions would be limited to existing structures;
 - it would ensure that the uses permitted and zoning standards for those properties fronting on the west side of Upper James Street between Fennell Avenue and South Bend Roads would be consistent;
 - the impact on adjacent residential uses would be minimal in that conversion is contained to the existing building; and,
 - the increase in traffic and parking on the adjacent local streets would be minimal.

In addition, some affordable housing would be retained.
4. It should be noted that the proposed OPA includes the properties from Nos. 674 to 712 Upper James Street; however, the proposed Zoning By-law and Site Plan Control By-law will not include No. 674 Upper James Street since site specific by-laws are proposed for this site.

5. Site Plan Control does not apply to the "H" (Community Shopping and Commercial, etc.) District. However, it would be appropriate to place the lands under Site Plan Control to give the City control over performance standards (i.e landscaping, parking) and design features (i.e shared parking accesses). In this regard, Site Plan Control By-law 79-275, as amended by-law 83-223, be amended by adding the properties located at Nos. 676 to 712 Upper James Street (west side only).

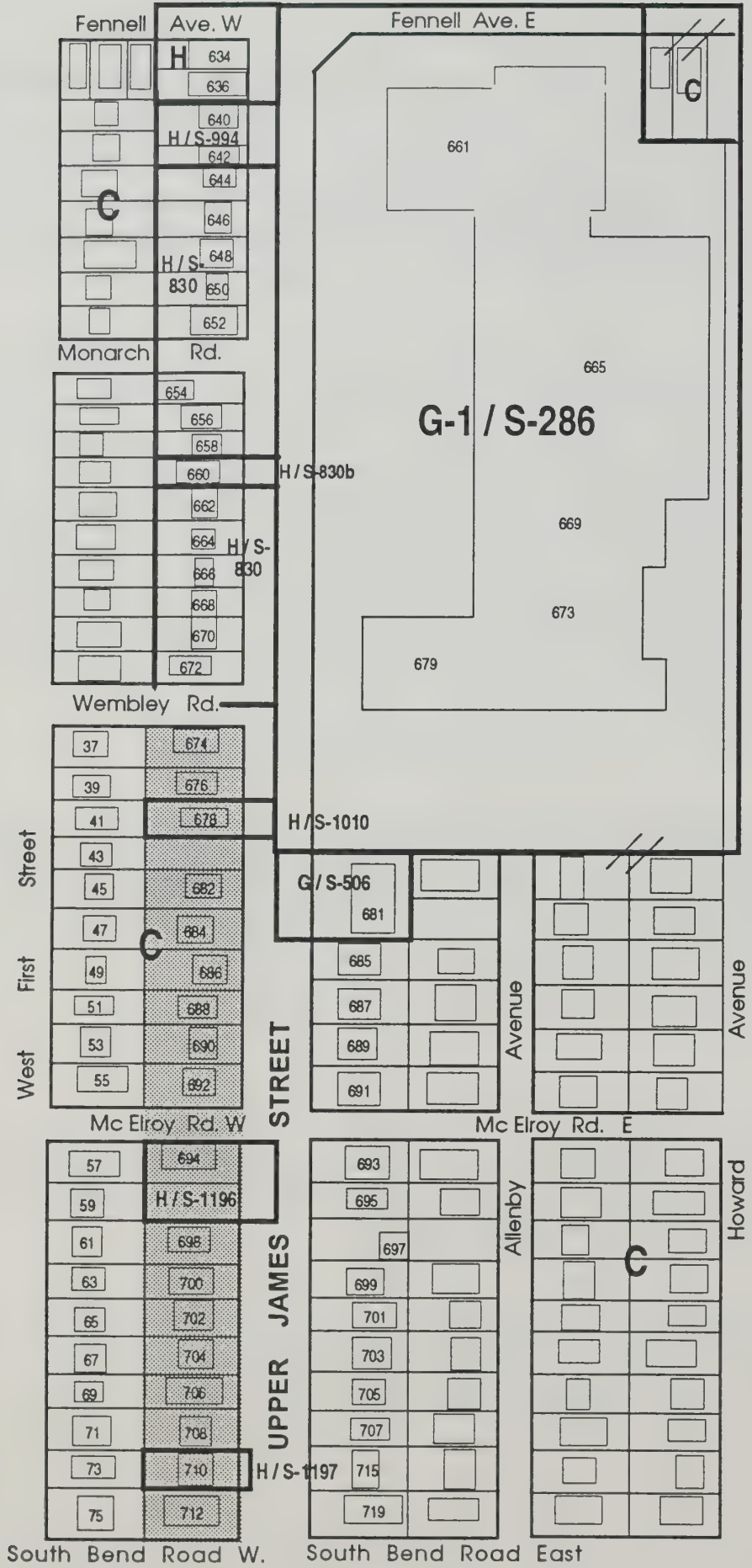
Site Plan Control is only required where development is in excess of 538 sq. ft. or 20% of the building size, whichever is greater. Since there will be no extensions or enlargements to the buildings, this by-law will not apply. Accordingly, it would be appropriate to place the lands under the holding provision in accordance with Section 35(1) of the Planning Act. These provisions permit Council to use the holding 'H' symbol in the Zoning By-law in conjunction with any Zoning District and specify the use to which the lands, buildings, or structures may be put at such time in the future when the holding symbol is removed by an amendment. The purpose of using the holding symbol in this instance, is to ensure that the landscaping, parking, access, etc. are satisfactorily dealt with through site plan approval.

6. Development Guidelines are helpful planning tools used to minimize any potential negative impacts and it would be beneficial to apply these guidelines at the time development proposals are being evaluated. Accordingly, it would be appropriate for Council to adopt these guidelines for use in the development process.

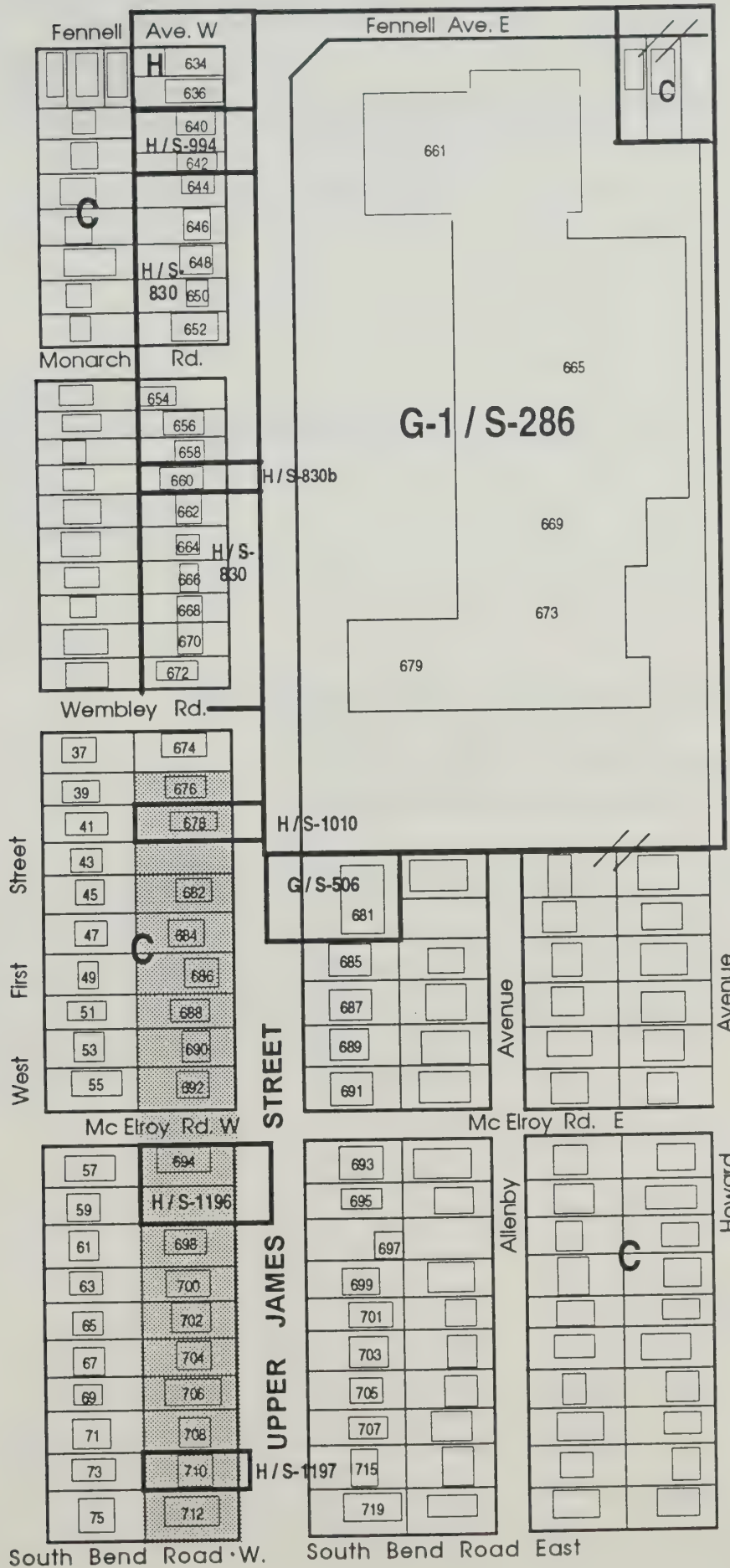
CONCLUSION:

Based on the foregoing, the repeal of the existing by-laws applicable to the subject lands and the proposed amendments to the Official Plan, Zoning By-law, Site Plan Control By-law and the adoption of Development Guidelines can be supported.

Appendix A

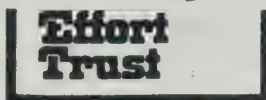


Appendix B



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

9611
D



THE EFFORT TRUST COMPANY

AUG 05 1992

242 MAIN STREET EAST

HAMILTON, ONTARIO, CANADA L8N 1H5

CITY CLERKS

TELEPHONE (416) 528-8956
FACSIMILE (416) 528-8182

August 4, 1992

Secretary
Planning and Development Committee
City Hall
71 Main Street East
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: **Proposed Change in Zoning from C to H
West Side of Upper James Street
between Wembley and South Bend Roads
Planning Department File P5-4-39**

On behalf of Grey Elephant Holdings Inc., the owner of 691 Upper James Street, Hamilton, Ontario, we wish to advise that we have no objection to the proposed rezoning of lands located on the west side of Upper James Street between Wembley and South Bend Roads, on the condition that the corresponding properties on the east side of Upper James Street are also rezoned to "H". It would make much more sense to rezone the properties located on the east side of Upper James Street, due to the existing mall located immediately to the north of these properties.

Yours very truly,

THE EFFORT TRUST COMPANY

Per:

Arthur Weisz

AW:av

The Effort is for you.

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

9bii)

PROPOSED CHANGE IN ZONING FROM C TO H

PROPERTY DESCRIPTION-WEST SIDE OF UPPER JAMES BETWEEN WEMBLEY & SOUTH BEND

I AM IN FAVOUR OF (✓)

OPPOSED TO () (PLEASE CHECK (V) ONE)

THIS CHANGE

.....
RUSSELL PETER
RUSSELL MARY ANN
184 ALLENBY AVE
HAMILTON ONT

L9A 2V2

.....
FILE-PS-4- 39

SEQ-00040

RECEIVED

AUG 10 1992

CITY CLERKS

.....SIGNED
FOR INQUIRIES PLEASE CALL

546-4229

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

9biii)

PROPOSED CHANGE IN ZONING FROM C TO H

PROPERTY DESCRIPTION-WEST SIDE OF UPPER JAMES BETWEEN WEMBLEY & SOUTH BEND

RECEIVED

AUG 06 1992

I AM IN FAVOUR OF ()

OPPOSED TO (✓) (PLEASE CHECK (V) ONE)

THIS CHANGE

William Sheppard

SHEPPARD WILLIAM HENRY C
SHEPPARD YVONNE CHRISTINE
308 WEST 2ND
HAMILTON ONT

CITY CLERKS

Yvonne C. Sheppard SIGNED
FOR INQUIRIES PLEASE CALL

546-4229

L9C 3H2

.....
FILE-PS-4- 39 SEQ-00329

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 July 31"

96iv)

PROPOSED CHANGE IN ZONING FROM C TO H

PROPERTY DESCRIPTION-WEST SIDE OF UPPER JAMES BETWEEN WEXLEY & SOUTH BEND

RECEIVED

JUL 31 1992

I AM IN FAVOUR OF ()

OPPOSED TO (X) (PLEASE CHECK (V) ONE)

THIS CHANGE

CITY CLERKS

Janet Gilson.....SIGNED

FOR INQUIRIES PLEASE CALL

540-4229

.....
GILSON DAVID JOHN
GILSON HELEN JANET
78 WEST 1ST
HAMILTON ONT

L9C 3C4

FILE-PS-4- 39

SEQ-00268

Your business replies should have postage paid

10

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

DATE: 1992 August 11
ZA-92-26
Bonnington Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a change in zoning - No. 674 Upper James Street.

RECOMMENDATION:

- A. That approval be given to Zoning Application 92-26, Jung Y. Mah, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, for property located at No. 674 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
- a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;
 - b) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;
 - i) Notwithstanding Section 14 (1) of Zoning By-law No. 6593, only the following uses shall be permitted within the building existing at the date of passing of this by-law:
 - (1) Residential Uses:
 - (a) Single-family dwelling;
 - (b) One dwelling unit in the same building with a permitted commercial use.

(2) Commercial Use:

- (a) Medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner).

(3) Accessory Use:

- (a) A wall, ground or projecting sign that complies with the following requirements:
 - (1) no sign shall exceed 1.2 meters in vertical dimension or 2.2 square metres in area; and,
 - (2) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.
- (ii) No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted;
- (iii) Notwithstanding Section 18A(1) of Zoning By-law No. 6593, the following parking requirements shall be provided and maintained:
 - (1) one space for each dwelling unit;
 - (2) one space for every 19 m² of floor area for medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner);
- (iv) Sections 18A(11)(a),(b) and (12)(a) of Zoning By-law No. 6593 shall not apply;
- (v) Notwithstanding Section 18A(8) of Zoning By-law No. 6593, one of the four parallel parking spaces located along the southerly side lot line may have dimensions not less than 2.5 metres wide and 6.3 metres long;
- (vi) A landscaped strip not less than 1.5 metres in width shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use;
- (vii) A visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height shall be provided and maintained along the entire southerly and westerly lot lines where the building has been converted to a commercial use;

- (viii) All lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses;
- (ix) In the event that the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement, and shall only be used for the uses set out in i) above.
- c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-8 be notated S- ;
- d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-8 for presentation to City Council;
- e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- B. That By-law No. 79-275, as amended by By-law No. 87-223 be amended by adding the subject lands to Schedule "A".
- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan.
- D. That Official Plan Amendment No. 101, adopted by By-law 91-170 passed by City Council on September 24, 1991, be repealed.
- E. That Item 20 of the 12th Report of the Planning and Development Committee as adopted by City Council at its meeting of August 27, 1991, be rescinded in its entirety.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for property located at No. 674 Upper James Street, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit only the following uses within the existing building:

Residential Uses

1. Single-family dwelling.
2. One dwelling unit in the same building with a permitted commercial use.

Commercial Use

Medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner).

Accessory Use

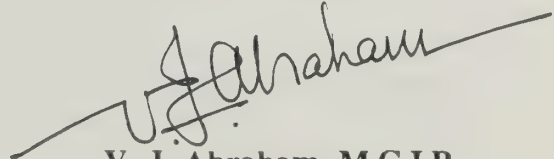
1. A wall, ground or projecting sign that complies with the following requirements:
 - (a) no sign shall exceed 1.2 metres in vertical dimension or 2.2 square metres in area; and,
 - (b) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

In addition, the By-law provides for the following variances as special requirements:

- No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted.
- The following parking requirements shall be provided and maintained:
 - (i) one space for each dwelling unit;
 - (ii) one space for every 19 m² of floor area for medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner).
- To eliminate the required 1.5 m setback and landscaped strip for the parking area along the southerly side lot line adjacent to the residential district.
- To eliminate the required 6.0 m front yard setback for the parking area located within 3.0 m of the residential district.
- To permit one of the four parallel parking spaces located along the southerly side property line to have dimensions of not less 2.5 metres wide and 6.3 metres long.

- To require a landscaped strip not less than 1.5 metres in width to be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use.
- To require a visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height to be provided and maintained along the entire southerly and westerly lot lines where the building has been converted to a commercial use.
- To require that all lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses.
- That in the event the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement.

J, D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning and Development Department to undertake a land use review of this area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

- Option 1

to retain the existing residential uses along Upper James Street;

- Option 2

to allow limited commercial uses within the existing buildings;

- Option 3

to allow redevelopment of the Upper James Street frontage for mixed residential/commercial uses; and,

- Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West Fifth Street and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

Furthermore, the Committee directed the Planning and Development Department to bring the Land Use Review back to the Committee for further consideration in a years time.

- Previous Rezoning

On August 27, 1991, City Council adopted a recommendation of the Planning and Development Committee to approve Official Plan Amendment No. 101 to redesignate the subject lands from "Residential" to "Commercial", and to establish a "Special Policy Area" to permit only an orthopaedic supply store within the existing building. In addition, Zoning Application 91-24 was also approved which provided for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit an orthopaedic supply store and one dwelling unit in the existing building.

In addition, the site was to be placed under Site Plan Control By-law. In this regard, the amending By-law was not to be forwarded for passage by City Council until such time as the applicant has applied for and received site plan approval. To-date, this condition has not been satisfied.

- Current Proposal

It is the applicant's intention to allow for the conversion of the existing building only for medical offices (two), including a chiropractor's office, and for one residential apartment unit. The applicant no longer wishes to pursue the orthopaedic supply store use.

APPLICANT:

Jung Y. Mah, owner.

LOT SIZE AND AREA:

- 16.76 m (55.0 ft.) of lot frontage on Upper James Street;
- 27.05 m (88.75 ft.) of lot flankage along Wembley Road; and,
- 453.47 m² (4, 881.0 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family dwelling converted to commercial use	"H" (Community Shopping and Commercial, etc.) District, modified
to the south	two converted dwellings containing a chiropractor's office and a retail commercial use	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and commercial, etc.) District, modified

to the east	shopping centre	"G-1" (Designed Shopping Centre) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept plan of the Official Plan. The following policies among others, would apply:

- "2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL AREA."

The proposal complies with the intent of the Official Plan.

Accordingly, Official Plan Amendment No. 101, adopted by By-law No. 91-170 on September 24, 1991, applicable to the previous rezoning to permit only an orthopaedic supply store use on the subject lands, should be repealed.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

COMMENTS RECEIVED:

- The Building Department has advised that:

- "1. A demolition permit is required for the private garage in the rear yard.
2. The minimum 1.5 m landscape strip at the rear of the property cannot be located on the public alleyway.
3. If the public alleyway has not been closed by a Judge's Order, the 1.5 m planting strip is not required.
4. Parking space #7 is assumed to be a parallel parking space for manoeuvring purposes.
5. The southerly boundary of the parking area must be at least 1.5 m from the adjoining residential district boundary and be landscaped with a planting strip. Compliance or a variance is required.
6. Parking space #3 must be at least 6.00 m from the street line within 3.0 m from the southerly residential district boundary. Compliance or a variance is required.
7. Parking space #1 must have an unobstructed manoeuvring space 6.0 m in depth. Compliance or a variance is required.
8. Parking space #2 in conjunction with its manoeuvring space must be clear and unobstructed by the porch shown. A minimum depth of 6.0 m is required for the manoeuvring space. Compliance or variances are required.
9. One mutual driveway must have a width of at least 5.5 m. Separate ingress and egress driveways must each have a width of at least 3.0 m.
10. No floor plans have been submitted in order to determine actual floor layout and floor areas for each occupancy.
11. A visual barrier shall be provided along the westerly and southerly property lines (Residential district boundaries). Compliance or a variance is required."

- The Traffic Department has advised that:

"In response to your letter of 1992 May 22 and to the revised site plan of 1992 June 19, please be advised that we have reviewed the above application and have the following comments:

We do not support the sporadic rezoning of individual properties along Upper James Street as it will allow, in this application, a single family dwelling to be surrounded by two unrelated commercial properties.

However, if this application is to be supported we request that as a condition of approval, a site plan be approved. This will ensure that the requirements for a medical office as per the zoning by-law can be provided on-site. As the applicant has indicated, the majority of the site will be required to be paved and existing pine trees need to be removed in order to provide the required on-site parking.

The applicant has indicated that there is no intention to close the public alleyway. However, we request that the applicant initiate the closing and purchasing of the unassumed alley in the rear of the property. It would appear to be in everyone's interest to dispose of this City owned property and incorporate it within the adjoining lands.

Concerning the removal of the front porch and steps, the alternate entrance location(s) should be shown if possible as well as how the stairs will be removed without obstructing the parking space. If a suitable re-alignment cannot be provided, then a variance would be required to provide only one residential and five medical office parking spaces.

We recommend that protective measures be taken to ensure that the gas meter behind the building will be properly against vehicular collisions.

The applicant has indicated the desire to implement a commercial boulevard parking agreement to allow the space adjacent to Wembley Road. Please contact Chris Van Berkel of the Traffic Department at 546-2068 in regards to this."

- The Hamilton Wentworth - Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

No further road widenings are anticipated on Upper James Street or Wembley Road.

The applicant requires a Boulevard Parking Agreement with the City of Hamilton Traffic Department for any parking within the Wembley Road road allowance. The applicant also requires the approval of Jim Pook, Horticulturalist with the City of Hamilton Public Works Department prior to the removal of any trees within the Upper James or Wembley Road road allowances.

In the absence of any details shown, we advise that any works which may occur within the adjacent road allowances must conform to the respective Streets By-laws. The Traffic Department is to comment on access and access design.

As we do not support the sporadic rezoning of individual properties on Upper James Street and as stated in the past, only consolidated development and shared commercial access and parking proposed for this section of Upper James Street should be supported. We recommend that the subject lands be developed through site plan control at which time we will provide detailed comments on grading, landscaping, motorist sight lines etc. All fences should be set back a minimum of 4 to 5 metres from any street/property line.

According to our records, the alley to the rear of the subject lands is public unassumed and to date has not been closed by the City of Hamilton. Plans submitted by the owner indicate that extensive landscaping and fencing will be placed within the public unassumed alley. Civil litigation between property owners may occur as a result.

It would be more appropriate for the owner to submit an application for alleyway closure and process it with a report to the City of Hamilton Transport and Environment Committee and City Council."

- The Hamilton Region Conservation Authority has no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan. If approved, Official Plan Amendment No. 110, adopted by By-law No. 91-170 on September 24, 1991, to establish a "Special Policy Area" for the subject lands, should be repealed.
2. There is no Neighbourhood Plan for the Bonnington Neighbourhood.
3. The proposal to permit conversion of the existing dwelling into medical offices (2), including a chiropractor's office, and to permit one accessory dwelling unit in the same building with the permitted commercial use(s), is no less feasible than the previously approved proposal to permit its conversion to an orthopaedic supply store together with a dwelling unit in the same building.

Furthermore, it is in keeping with Option 2 recommended as the Land Use Strategy in the Upper James Street (Wembley to South Bend Roads) Land Use Review proposed by the Planning and Development Department.

In this regard, this Land Use Strategy would permit limited commercial uses within existing structures. The type of commercial uses proposed would be limited to business or professional person's offices (doctor, dentist, etc.), retail stores (jewellery, drug store, food, flowers, etc.) and some public uses (art gallery, library). In addition, retention of a residential component would be encouraged (i. e. - apartments above commercial uses), in order to provide affordable housing in the area. Parking buffering and landscaping would be required.

Option 2 was identified as the most appropriate strategy for the following reasons:

- it is least likely to undermine adjacent residential uses;
 - the existing engineering services would be adequate;
 - a smooth transition from residential to commercial would be able to occur as the demand for conversion increases; and,
 - it would allow commercial conversion on the same basis as the area to the north (Wembley to Fennell).
4. The Development Guidelines as required for the previously approved rezoning are still applicable to the present proposal and should be included as special requirements in the amending By-law. These include the following:

Accessory Use:

A wall, ground or projecting sign that complies with the following requirements:

- (1) no sign shall exceed 1.2 meters in vertical dimension or 2.2 metres in area;
- (2) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,
- (3) All lighting facilities at the rear of the property shall be so installed and maintained as to ensure that the light is deflected away from all adjacent residential uses.

Conversion Limitations

No extensions or enlargements of the building existing at the date of the passing of the By-law shall be permitted. In the event that the existing building is destroyed or demolished, it may be replaced only by a building having the same external dimensions as the building which it replaces and the replacement building shall not have more than two storeys plus a basement.

Required Parking

The following parking requirements shall be provided and maintained:

- (1) one space for each dwelling unit;

- (2) one space for every 19 m² of floor area for medical offices (including doctor, dentist, chiropractor, osteopath, drugless practitioner).

Landscaping and buffering

A landscaped strip not less than 1.5 metres in width shall be provided and maintained along the entire westerly lot line where the building has been converted to a commercial use.

A visual barrier not less than 1.2 metres in height and not greater than 2.0 metres in height shall be provided and maintained along the entire southerly and westerly lot lines where the building has been converted to a commercial use.

Site Plan Control

In order for the City to further control design aspects such as parking, access, landscaping, buffering, fencing, etc., it would be appropriate to apply the provisions of Site Plan Control By-law 79-275 as amended by By-law 87-223 to the subject lands. As with the previous application (ZA-91-24), it would be appropriate to hold the amending by-law in abeyance pending Site Plan Approval.

Furthermore, the previous approval (Item 20; 12 R.P.D.C. 1991) should be rescinded in its entirety, as approval of this application is redundant.

5. Based on the preliminary site plan submitted, approval of the application would require the following variances:

- Parking and Loading Regulations

Sections 18A(11)(a) and (12)(a)

Four (4) parallel parking spaces are proposed along the southerly property boundary. While a required visual barrier is to be provided, the applicant has requested a variance to eliminate the required 1.5 m setback and landscaped planting strip for the parking area which adjoins a residential district.

In addition, the existing trees at this location are to be removed.

As the adjoining property to the south is currently used as a chiropractic clinic, and as it would comply with the intent of the Upper James Land Use Strategy and the Development Guidelines, the requested variance is considered minor in nature and can be supported.

- Section 18A(11)(b)

Parking space #3 must be setback a minimum of 6.0 m from the front property line for that portion of the parking area within 3.0 m of the adjoining residential district.

Taking into consideration that the adjoining residentially zoned property to the south ("C" District) is used as a chiropractic clinic, and that the Zoning By-law would allow front yard parking for single-family and two-family dwellings if erected prior to December 14, 1971, the requested variance can be supported.

As required by the Upper James Land Use Strategy, Development Guidelines, a visual barrier not less than 1.2 m in height and not more than 2.0 m in height, as well as a minimum 1.5 m wide landscaped planting strip is to be provided and maintained along the entire westerly rear lot line. While the applicant proposes to provide for the required visual barrier at this location, he has requested a variance to eliminate the required 1.5 m wide landscaped strip on the grounds that the public unassumed alley already serves as a buffer for the adjoining residential properties to the west.

The requested variance cannot be supported as, to-date, the public unassumed alley has not been closed, and approval of this variance could set an undesirable precedent for future similar applications along this portion of Upper James Street. Furthermore, at the public meeting held in connection with the Upper James Street Land Use Strategy, the adjoining property owners specifically requested that a landscaped strip be established to buffer the residential properties from the potential effects of commercial development.

As indicated by both the Traffic and Roads Departments, it would be appropriate for the applicant to apply to have the alleyway closed.

The introduction of the required 1.5 m wide landscaped strip will establish a variance to Section 18A(8) of the Zoning By-law with regard to the length of one of the four parallel parking spaces (6.3 m as opposed to 6.7 m required) located along the southerly side property line. The variance is considered minor in nature and can be supported. All other concerns noted by the Building Department and the Traffic Department have been satisfied.

The applicant should be advised that approval from the Public Works Department is required prior to the removal of any trees within the road allowance.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GAW/ma

10a)

Note:

July 28 /92.

ZA92-26

RECEIVED
AUG 13 1992
CITY CLERKS

I would be willing to be in favour of the proposed change providing I was made aware that the offices and apartment building in question would be able to provide their own parking facilities. Or that there would be enough room on the side street without the cars starting to park in the mall parking lot across the street; as this would make the situation worse (and unfair to the tenants of the Mall) than an ~~already~~ already crowded parking lot.

Jim Kaytor

Jim Kaytor.

673 upper James St. (Mtn. Plaza Mall)
Hamilton Ont.

11.

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 12 1992

CITY CLERKS

DATE: 1992, August 12
(CI-91-A)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT:

City Initiative for an Official Plan Amendment and Modifications in Zoning for the "M" (Prestige Industrial) Districts, East Mountain-Industrial Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East.

RECOMMENDATIONS:

- A) That approval be given to Official Plan Amendment No. to amend Schedule "B" to delete the area of the East Mountain Industrial-Business Park; to create a new Schedule "B-3" for the East Mountain Industrial-Business Park; to establish a new Special Policy Area 11a to be contained on Schedules "B" and "B-3"; to amend the relevant policies relating to the introduction of a new Schedule "B-3"; to amend the relevant Policies to permit offices and home improvement uses within the "M-12" and "M-13" Districts; and to rename the "East-Mountain Industrial Park" to the "East Mountain Industrial-Business Park", and the City Solicitor be directed to prepare a by-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

- 2) That approval be given to City Initiative 91-A to provide for a general text amendment to the "M" (Prestige Industrial) District regulations, by deleting and adding permitted uses, by amending the accessory uses, by amending the landscape and side yard requirements in the "M-11" (Prestige Industrial) District, and by amending the sign regulations, for the properties located in the East Mountain Industrial-Business Park, No. 408 Cumberland Avenue and No. 467 Charlton Avenue East, as shown on the attached maps marked as APPENDIX "A" and APPENDIX "B", on the following basis:

- i) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, be amended by deleting TABLE 2 - PUBLIC USES, TABLE 4 - COMMERCIAL USES and TABLE 5 - INDUSTRIAL USES, and substituting APPENDICES "C", "D" and "E" attached hereto, therefor;
- ii) That Sections 17C, 17D, 17E, 17F and 17G of Zoning By-law No. 6593, TABLE 1 - RESIDENTIAL USES and TABLE 3 - INSTITUTIONAL USES be amended by deleting the SIC identification numbers;
- iii) That Sections 17C(1)(d), 17D(1)(d), 17E(1)(e), 17F(1)(d) and 17G(1)(d) be repealed in their entirety and replaced with the following:

"Accessory Uses as follows:

- 1. Any accessory building, structure or use customarily ancillary to any of the uses not prohibited.
 - 2. A dwelling unit not exceeding 83.5 square metres of gross floor area which is necessary for maintenance staff for an industrial use.
 - 3. Ground sign, wall sign, roof sign."
- iv) That Sections 17C(2)(h)4. and 17D(2)(h)4. be amended by adding the words "except for Lawn and Garden Centres" to the end of the clauses so that the clauses shall read as follows:

"The total area used for storage outside of a building or structure shall not exceed 5% of the lot area, except for Lawn and Garden Centres."

- v) That Sections 17C(3)5.(i), 17D(3)5.(i), 17E(3)5.(i), 17F(3)5.(i), and 17G(3)5.(i) be deleted in their entirety and the subsequent subclauses be appropriately renumbered.

- vi) That a new Clause be added to Section 17C as follows:

"17C(3)6. That notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line."

- vii) That a new Clause be added to Section 17D as follows:

"17D(3)6. That notwithstanding subclause 2(2)J.(xxvi), no ground sign shall be located less than 6.0 m from the front lot line."

- viii) That a new Clause be added to Section 17E as follows:

"17E(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

- ix) That a new Clause be added to Section 17F as follows:

"17F(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

- x) That a new Clause be added to Section 17G as follows:

"17G(3)6. That notwithstanding subclauses 2(2)J.(xb) and 2(2)J.(xxvi), no ground sign shall be located less than 3.0 m from the front lot line."

- xi) That Section 17C(2)(b)1.(ii) be amended by adding the words "Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except" to the beginning of the subclause so that it shall read as follows:

"Side yards having a width of not less than 10% of the width of the lot to a maximum width of 6.0 metres, except where the lot is a corner lot, a flankage side yard having a width of not less than 6.0 metres."

- xii) That Section 17C(e)1.(i) be amended by adding the words "except for the area used for access driveways," to the beginning of the subclause so that it shall read as follows:

"except for the area used for access driveways, a landscaped area in the required front yard having a depth of not less than 6.0 metres abutting the street line;"

- xiii) That Section 17C(e)1.(ii) be amended by adding the words "except for the area used for access driveways;" to the end of the subclause so that it shall read as follows:

"where the lot or tract of land is a corner lot, a landscaped area in the entire required side yard abutting the street line, except for the area used for access driveways;"

- xiv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- xv) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,
- xvi) That the "Mountain Industrial Park" Plan be renamed to the "East Mountain Industrial-Business Park" Approved Plan.

EXPLANATORY NOTE:

1. City Council will adopt Official Plan Amendment No. to amend Schedule "B" to delete the area of the East Mountain Industrial-Business Park; to create a new Schedule "B-3" for the East Mountain Industrial-Business Park; to establish a new Special Policy Area 11a to be contained on Schedules "B" and "B-3"; to amend the relevant polices relating to the introduction of a new Schedule "B-3"; to amend the relevant Policies to permit offices and home improvement uses within the "M-12" and "M-13" Districts; and to rename the "East-Mountain Industrial Park" to the "East Mountain Industrial-Business Park".
2. The purpose of the by-law is to provide for changes to the "M" (Prestige Industrial) District regulations, for the East Mountain Industrial-Business Park and properties located at No. 467 Charlton Avenue East and No. 408 Cumberland Avenue, as shown on the attached maps marked as APPENDIX "A" and APPENDIX "B".
The effect of the by-law is to provide for a general text amendment to the "M" (Prestige Industrial) Districts to add and delete industrial, commercial and public uses in each of the districts as follows:

- Additions

"M-11"	offices; real estate and insurance operators; health care services; personal/household services; certain retail outlets (food stores, recreational vehicle dealers, etc.); government services.
"M-12"	offices; real estate and insurance operators; health care services; personal/household services; home improvement stores; motor vehicle services; government services; certain publishing industries (books etc.); textile industries (canvas, tire cord, textile dying, etc.) and clothing industries (sweaters).
"M-13"	trucking industries; motor vehicle services; equipment, wholesale and leasing; business services; health care services; repair services; certain textile industries (canvas, tire cord, textile

dying, etc.); electrical equipment industries; building, developing and general contracting industries; industrial and engineering industries; trade contracting industries; business associations; animal shelters; veterinary services and kennels.

"M-14" trucking industries; motor vehicle services; laundries; repair services; certain food industries (fruit, flour, etc.); certain textile industries (leather, tire cord, textile dying, etc.); electrical equipment industries; sporting goods and jewellery industries.

"M-15" trucking industries; motor vehicle services; laundries; repair services; certain food industries (fruit, flour, etc.); certain textile industries (leather, tire cord, textile dying, etc.); electrical equipment industries; and jewellery industries.

- Deletions

"M-11" none

"M-12" funeral home; certain textile industries (fibres, yarn).

"M-13" funeral home; photographer; distillery/wine industries; certain amusement and recreational services (Go Karts, horseback riding, etc.).

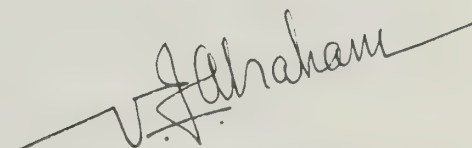
"M-14" advertising services; laboratories; certain home improvement
and related industries (appliance stores); certain personal service
"M-15" industries (photographers, etc.); non-metallic mineral products
industries; certain automotive manufacturing industries (firewalls,
etc.); government services.

In addition, the by-law provides for the following additional amendments:

- to delete the 83.5 m² restriction on accessory office space;

- to permit outside storage areas for Lawn and Garden Centres to occupy 25% of the lot area in the "M-11" and "M-12" Districts;
- to reduce the front yard setback for ground signs in the "M-11" and "M-12" (Prestige Industrial) Districts from 12.0 m to 6.0 m;
- to reduce the front yard setback for ground signs in the "M-13", "M-14" and "M-15" (Prestige Industrial) Districts from 6.0 m to 3.0 m;
- to delete the 0.6 m front yard projection for ground signs; and,
- to amend the side yard and the landscaping provisions in the "M-11" District to provide for consistent performance standards in all "M" Districts.

J.D. Thoms, M.C.I.P.
Commissioner,
Planning and Development Department



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Basis of the "M" (Prestige Industrial) District Study

As a result of increased development pressures and associated Zoning Applications requesting additional uses to "M" zoned lands, the Planning and Development

Committee, in 1990, requested the Planning and Development Department to undertake a review of the "M" Districts to develop an appropriate land use strategy to meet changing economic trends.

Since 1983, approximately 64 rezoning applications and 12 applications through the Committee of Adjustment have been received for the East Mountain Industrial-Business Park; of these, 61 were for modifications to existing districts and the remaining 3 applications were requesting a change from one district to another. Only 9 of the requested modifications were for industrial or other uses; 67 were for additional commercial uses.

- Location of the "M" Districts

The majority of the "M" District zoned lands are located within the East Mountain Industrial-Business Park. In addition, there is a smaller area of "M-14" lands in the West Hamilton Area and two isolated parcels of land located at No. 467 Charlton Avenue East ("M-13") and No. 408 Cumberland Avenue ("M-14"). The proposed amendments would apply to the Park and the two separate parcels of land. The West Hamilton area will remain unaffected since there is a site specific by-law for this area.

SUMMARY OF THE "M" (PRESTIGE INDUSTRIAL) DISTRICT STUDY

The intent of the "M" District review was to identify appropriate amendments to the Zoning By-law which would allow the "M" Districts to be more adaptable to the changing economic trends of the 1990's without undermining the supply for industrial land in the City. The Industrial Districts within the Mountain Industrial Business Park have been undergoing changes within the last eight years, as indicated by the emerging trends of increased interest in building trades, automotive uses, smaller industrial users, employment characteristics, etc.

The planning philosophy of the East Mountain Industrial-Business Park developed in the 1970's has been fine tuned over the last 20 years. The basic land use development patterns remain achievable and desirable in the 1990's. The Park was designed to allow for 'business nodes' at major intersections, the arterial roads were for wholesale/limited industrial functions, and the interior of the Park was designated for manufacturing uses of a prestige industrial

nature. The East Mountain Industrial-Business Park is the last area of vacant industrial land in the City. The uses which would locate in this Park would generally not locate in the traditional industrial areas along the bay. Accordingly, there is a need to protect lands for possible future industrial development.

- Land Use Survey and Vacant Land Inventory

In the fall of 1990, the Regional Planning and Development Department undertook a review of the uses within the East Mountain Industrial-Business Park and a vacant land inventory.

Of the total land uses within the Park, 46.2% are commercial uses, 31.2% are industrial uses (agriculture, construction, manufacturing), and 22.6% are vacant.

Within the industrial and commercial groups, the three most frequent uses are:

- industrial uses - trade contracting industries (18), fabricated metal products (14), and food industries (8); and,
- commercial uses - general contractors, engineers, developers etc.(40), warehouses (26), and retail household furnishings (19).

Based on the survey results, it appears that the Industrial-Business Park is evolving into more of a 'business' park than an 'industrial' park. In addition, the Park exhibits characteristics of 'employment areas' as illustrated by the labour force employment data. Specifically, 64% of the labour force in the Park is found in the office/retail/service sector, whereas only 27.8% of the labour force is employed in traditional manufacturing/warehouse operations. Comparatively, 53.3% of the City labour force is employed in the office/retail/service sector, whereas 25% of the labour force is employed in traditional manufacturing/warehouse operations.

With regards to the data on vacant land, it is important to note that over three times the amount of industrial based land ("M-13, 14, and 15") versus commercial type lands ("M-11, 12") is available for future development. Depending on the economic trends in the 1990's, the Park still has the potential to develop more of an industrial

base as opposed to the commercial base which currently exists. However, if the current trends (pressure to commercialize the "M-12, 13, 14, and 15" Districts since the "M-11" District lands are developed) continue, then the Park will develop into a business park.

- Trends

There are a number of trends which have emerged in the last several years that effect the nature of the Industrial-Business Park:

- there are a large number of multi-tenancy buildings (i.e. industrial condominiums) as opposed to a single user. Some users are varied, there are many buildings which have a mix of industrial and commercial uses;
- industrial land is cheaper than commercial land; accordingly, the industrial land was bought and used for commercial purposes or zoning amendments and Committee of Adjustment approvals were sought to permit commercial uses which were not included;
- during the economic boom, it appears a large number of buildings were built on speculation, especially industrial condominiums, but the supply surpassed the demand, resulting in a large number of vacant units;
- based on Statistics Canada data, in 1980, the manufacturing sector employed 36.4% of the labour force in the Hamilton Census Area (includes the Region, Grimsby and Burlington). In 1990, it fell to 24.3%. By 1990, the service sector grew to 39.9% from 30.4% in 1980. The trend has resulted in a declining 'manufacturing' sector and a growing 'service' sector;
- there has been increased pressure to locate services close by those employees who work in industrial-business parks; and,
- there are certain commercial uses (retail warehouses, home improvement centres, etc.) which do not fit into the existing commercial hierarchy (malls,

commercial strips, single unit buildings) due to the nature of the design and size of these buildings.

Although, the existing uses reflect a business park, (46.4% are units used for commercial purposes), the industrial function within the Park is still viable since:

- there are 111 ha of "M-13, "M-14 and "M-15" lands available for development; and,
- 22.6% of the existing units are vacant.

Based on the information noted above, several land use options were formulated.

- Option 1

The intent of this option would be to reduce the number of "M" Districts from 5 to 3 by consolidating the "M-11" and "M-12" into one commercial district, the "M-13" and "M-14" into one industrial district and to retain the "M-15" District.

- Option 2

The intent of this option was to expand the list of permitted uses in the "M-12" District to include home improvement related uses and offices, expand the list of industrial uses in the "M-13" District by adding industries involved in building, trade contracting, etc. and to permit automotive uses in all the "M" Districts, with the exception of autobody, paint and repair shops which would be limited to the "M-14" and "M-15" Districts.

- Option 3

Option 3 was intended to eliminate the Standard Industrial Classification Codes (SIC) presently used in the Zoning By-law to define residential, public, institutional, commercial and industrial uses and change the terminology of the use to reflect a more general description.

- Options 4 and 5

These two options involve adding and deleting public, commercial and industrial uses from the various zoning districts to correct anomalies which exist (for example, all clothing industries are permitted with the exception of sweaters) and to remove/add uses which are deemed inappropriate/appropriate.

Based on a review of the various options, the most appropriate is a combination of Options 2, 3, 4, and 5.

This multi-faceted approach has a number of benefits:

- 1) it will allow for the expansion of uses within each of the districts through the combination of using the most general SIC terms (Option 3) and adding specific uses to the "M-12" and "M-13" Districts (Option 4), thereby reflecting the growing economic trends within industrial-business parks. In addition, the range of uses recognizes the functional characteristics of the park as an 'employment area';
- 2) the planning principles of locating uses with similar functional and operational characteristics together will be maintained;
- 3) at the present time, the structure of the Zoning By-law is rigid in that if a use does not fit within the definition outlined in the SIC manual, then it is not a permitted use; notwithstanding it may have functional and operational characteristics similar to other uses permitted as-of-right;
- 4) it will result in the addition of the following number of uses per district in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Total</u>
M-11	71	57	0	128
M-12	73	83	5	161
M-13	6	61	79	146
M-14	0	24	20	44
M-15	<u>0</u>	<u>19</u>	<u>21</u>	<u>40</u>
TOTAL	149	242	125	519

and the deletion of the following number of uses in each category:

<u>District</u>	<u>Public</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Total</u>
M-11	0	0	0	0
M-12	0	1	6	7
M-13	6	2	2	10
M-14	68	19	6	93
M-15	<u>68</u>	<u>14</u>	<u>7</u>	<u>89</u>
TOTAL	142	36	21	199

The large number of changes in the "Public" category is the result of shifting the government offices from the "M-14 and 15" Districts to the "M-11 and 12" Districts.

- 5) the proposed amendments are in keeping with recent development trends to increase the number of services available to the employees of the Park.

By implementing these 4 options, the Zoning By-law will be more adaptive to changing economic conditions. In this regard, the proposed changes are being made on a comprehensive basis rather than a piece meal basis.

In addition to the 5 land use options, there are additional amendments required to the Zoning By-law respecting accessory office space, sign setbacks, outside storage for garden centres, and to the side yard requirement and the landscaping provisions in the "M-11" District to provide for consistent performance standards in all "M" Districts.

PUBLIC PARTICIPATION

- Information Meetings

On June 24, 1991, an information meeting of the Planning and Development Committee was held to explain the findings of the "M" (Prestige Industrial) District review and to discuss the proposed amendments. Notification of the meeting was sent to all property owners within the Park and No. 408 Cumberland Avenue, and an advertisement was published in the newspaper on 2 occasions. At that time public submissions were requested.

Copies of the "M" District review were sent to the Hamilton Region Conservation Authority, the Hamilton Real Estate Board, the Construction Association and the Chamber of Commerce for their review and comment. Three submissions were received.

On February 19, 1992, the Planning and Development Committee directed that an additional information meeting be held. On May 20, 1992, a meeting was held at Carmen's Banquet Centre at which approximately 20 people attended. An additional 4 submissions were received.

- Public Submissions

A summary and a response to each submission is noted below.

- 1) **Business Land Use Advisory Board**

The Business Land Use Advisory Board discussed the findings of the study in depth and supports the recommendations of the "M" (Prestige Industrial) District study in principle.

2) Paletta International Corporation

Concerns:

It was suggested that in accordance with Official Plan policies A.2.3.1 and A.2.3.19, uses such as banks, restaurants, material suppliers, etc. which are considered to be ancillary uses and are intended to serve the personnel of the Park should be located 'as-of-right' along the major arterials, regardless of the Zoning District.

In addition, it was noted that Policy A.2.3.19 i) of the Plan requires all industrial buildings and processes to be located 90 m away from any residential building. It was recommended that this clause be reworded to exclude industrial buildings which do not conduct industrial processes such as warehousing, storage etc.

The submission also suggests that the 13.5 m setback in the "M-13" District should be reduced to 6 m and the proposed restriction on the size of the signs be deleted.

The writer requested clarification on the location of 'retail warehouses'.

A request was made to add food services (i.e. restaurants), fruit and vegetable industries, dairy products industries, bakery products industries, sugar and confectionary industries, soft drink industries, and brewery, distillery and wine industries to the "M-12" and "M-13" Districts, as-of-right.

In addition, library services, museums and archives, sports and recreation clubs and services and other amusement and recreational services were also requested for inclusion in the "M-12" District.

Responses:

- **Official Plan**

The ancillary uses listed in the Official Plan are primarily commercial in nature, and are intended to be examples only. The OP sets out a general policy framework and it is left to the Zoning By-law regulations to determine the appropriate location. It is felt the Official Plan policies are adequate and no additional uses should be added to Policy A.2.3 ii).

Policy A.2.3.19 i) refers to the 90 m separation distance between industrial and residential uses. This clause is contained both in the OP and the Zoning By-law and was intended to provide a buffer between industrial uses and the existing residential uses in the Park. If the use is defined as 'industrial' in the Zoning By-law, then this clause will apply. Warehousing and storage facilities are considered as commercial uses not industrial uses. Accordingly, their concern would appear to be abated and the 90 m separation distance should remain.

- **Reduction in the Setback for the "M-13" District**

The 13.5 m setback is required for all "M-13" lands which abut an "A" (Conservation, Open Space, Park and Recreation) District. This setback requirement has its basis in the original Official Plan Amendment (No. 276) and the intent was to provide for a buffer zone between the industrial and open space lands. This particular setback requirement was developed in conjunction with the Hamilton Region Conservation Authority for the protection of the open space lands. Since the study identified the need to continue to preserve the open space lands and no information has been brought forward to change the policy with respect to buffering, then the 13.5 m setback should remain.

- **Size Requirement for Signs**

Concern has been expressed over the proposed restriction in the size of signs. It was the intent of the study to introduce a size restriction for signs to be consistent with other Districts in the Zoning By-law. It was noted that the unregulated sign size has not been a problem in the area at this time. On this basis, it is suggested the size restriction be eliminated but should a problem arise in the future, then this policy should be re-examined.

- **Location of Retail Warehouses**

Retail warehouses are permitted in the "M-12", "M-13", "M-14" and "M-15" Districts. The study proposes to increase the percentage of ancillary retail space from 25% to 49% of the gross floor area of the building. This proposed amendment recognizes the need for large scale warehouse operations to locate in areas where there are larger sites than those traditionally found in commercial areas.

- **Additional Uses**

Industrial

As noted above, a request has been made to add a number of industrial uses to the "M-12" and "M-13" Districts. With respect to the beverage industries, it should be noted that the distillery/wine industries are proposed to be removed from the "M-13" District because of the odours associated with such uses. In this regard, it would be inappropriate to retain these uses in the "M-13" District. Furthermore, it would be inappropriate to introduce these uses to the "M-12" since this District is intended to be primarily for wholesale establishments and directly abuts residential uses.

The Ministry of the Environment has advised that, as general uses, the food products industries have generated complaints in the past. Even if the odours could be reduced, there are impacts such as noise, dust, odour generated from material handling etc. In this regard, it would be inappropriate to allow these uses in the "M-12" and "M-13" Districts, as requested. It should be noted that these uses are permitted in the "M-14" and "M-15" Districts of which there is an abundant supply of these lands within the Park (approximately 149 acres of developable lands).

Accordingly, proposals for such uses should more appropriately be dealt with on a site specific basis, at which time the merits of each individual application can be evaluated on its own merits.

Commercial/Public Uses

Restaurant uses are permitted in the "M-11" District. They are not contemplated to be added to the "M-12" District since this District is primarily for wholesale establishments and a limited number of commercial uses. Furthermore, there is an adequate supply of commercially zoned lands in the area which could accommodate the restaurant use.

Public uses such as museums, archives and a large number of recreational uses are permitted in the "M-13" District, of which there is an adequate supply of lands zoned for these purposes (approximately 52 acres of developable lands). One of the unique features of this District is the uses catering to leisure activities due to its proximity to the open space lands.

3) **D.J Mason Electric Co. Ltd (#6-38A Bigwin Road)**

Concerns:

Mr. Mason feels the open space lands in the centre of the Park should be protected and that Anchor Road should be extended to Rymal Road East to allow for easier access to property owners/customers.

He also indicated that the reduction of the "M" Districts to three (M-11/M-12, M-13/M-14, M-15) will reduce the number of zoning applications. However, he was concerned how it would affect the tax base and the taxes in the area should be reviewed because of the lack of services.

Responses:

- **Taxes in the Area**

The question was raised as to the effect on realty taxes if the districts were reduced from 5 to 3. As noted, the study does not advocate combining the "M-11/M-12" and "M-13/M-14" Districts, for the following reasons:

- 1) it may have a detrimental effect on land values in the surrounding area, especially the commercial strips along major arterial roads in the remainder of the City;
- 2) purchasers' who had previously bought "M-12" instead of "M-11" lands at a lesser value, may reap the economic benefits from expanding the list of retail commercial uses in a larger section of the MIBP;
- 3) it would undermine the intent of the "M-13" District which is to act as a 'buffer' between the industrial areas and open space areas;

- 4) it may increase traffic volumes along major arterial roads; and,
- 5) it is contrary to the original planning philosophy of the Park.

The Treasury Department has advised that if the Districts were combined, there would be no change in the realty tax.

It is beyond the scope of this study to deal with a review of the realty taxes as it relates to the East Mountain Industrial-Business Park and their relationship to the amount of services provided.

- **Extension of Anchor Road**

The long term plan is to continue Anchor Road south to link up with Rymal Road East. In April 1989, Regional Council approved a draft plan of subdivision to establish a portion of Anchor Road. To date, there have been no development proposals for the remaining lands abutting the proposed extension of Anchor Road.

4) Glan Oaks Development Limited

Mr. Oswald has requested the lands fronting on Nebo Road be rezoned from "M-14" to "M-12" since this road is heavily travelled and is more conducive to commercial uses. In addition, he has requested the uses proposed for the "M-12" and "M-13" districts be further expanded.

Responses:

The success of the "M-14" zone along Nebo Road is reflected by the fact that there are only a few vacant parcels remaining. Notwithstanding, Nebo is a busy roadway, it is within the interior of the Park where "M-14" Districts are located.

There are numerous uses proposed to be added to the "M-12" and "M-13". It should be noted there are entire street frontages (i.e east side of Upper Ottawa between Rymal and Stone Church Roads; along Rymal Road East) which are zoned "M-11" and "M-12". Given the high vacancy rates in these areas, there is no justification or demonstrated need to add additional uses, especially commercial uses, to the "M-12" and "M-13" Districts.

Based on the above, it is not necessary to rezone Nebo Road to "M-12" nor further expand the list of proposed uses in the "M-12" and "M-13" Districts.

5) **Hamilton Home Builders Association**

Concerns:

The HHAB suggests that:

- the Districts be consolidated into three from five;
- the list of commercial uses in the "M-13" be expanded to create a 'transition zone';
- all the uses currently permitted in the "M-14" District should be retained; and,
- the removal of the SIC is beneficial.

Response:

As previously noted, Option 1 which is to combine the Districts from 3 to 5 is not appropriate.

At the present time, the City has an abundance of commercially zoned lands. The addition of more commercial uses to the "M-13" District would create an oversupply of commercial lands, thereby undermining the value of existing

lands (such as the "M-11" District) . Furthermore, it should be noted that during the recent economic downturn, there are a large number of vacant buildings within commercial areas and this action would create more economic hardship.

The uses identified for removal from the "M-14" District are considered to be inappropriate in that the bulk of these uses are commercial and the "M-14" district is an industrial zone. Those uses which are proposed to be deleted from these districts have been placed in other zones (i.e. "M-12") where they were previously not permitted.

6) Lancaster Metal

The owner wishes to retain the commercial zoning on his property located at No. 455 Nebo Road.

Response:

The above noted lands are presently zoned "M-15" which is an industrial district. Given the location of these lands in the interior of the Park, there is no intention of rezoning these lands to a commercial zone such as "M-11"

7) Olteans - 42 Trinity Church Road

The owners of the above noted property have questioned why the lands are not zoned "M" (Prestige Industrial) District. Furthermore, they have requested the lands remain residential. The owners also wish to have the sewers extended to their area.

Response:

The lands in question are designated "INDUSTRIAL" in both the Official Plan and the Neighbourhood Plan. When the zoning amendment was completed for

this area in the 1970's, these lands remained zoned "AA" (Agricultural) District since they were subject to provisions of a special Indian Act governing the use of lands used by native indians. In the late 1980's, these lands changed ownership; however, they have not been zoned to an appropriate "M" zone. Until interest is expressed in the development of the land, it is not necessary to rezone them.

The lands are contained within the East Mountain Industrial-Business Park and are intended for industrial development in the future. It would not be appropriate to zone these lands for residential since the long term intended land use is industrial; there are no services to serve these residents; and the lands are surrounded by industrial uses.

The sewers are proposed to be extended to this area in approximately 5 years time.

COMMENTS:

The potential exists within the "M" Districts to update the uses by adapting to economic changes without undermining the planning criteria. Several options were identified; however, in order to maintain the planning philosophy for the development of the Park, the following changes would be appropriate from a planning perspective:

- 1) Remove the SIC Code numbers and use more general terminology to define the permitted land uses;
- 2) Add specific commercial uses (ie. household furnishings, stereos, appliances, tv, radio, floor coverings, drapery, hardware, wallpaper, paint, glass, repair shops, etc.), and offices to the "M-12" District; specific industrial uses (Building, Developing and General Contracting Industries, Industrial and Heavy (Engineering) Contracting Industries; Trade Contracting Industries; and Services Incidental to Construction to the "M-13" District; and, automotive uses (muffler shop, rust proofing) are to be added to all the Districts;

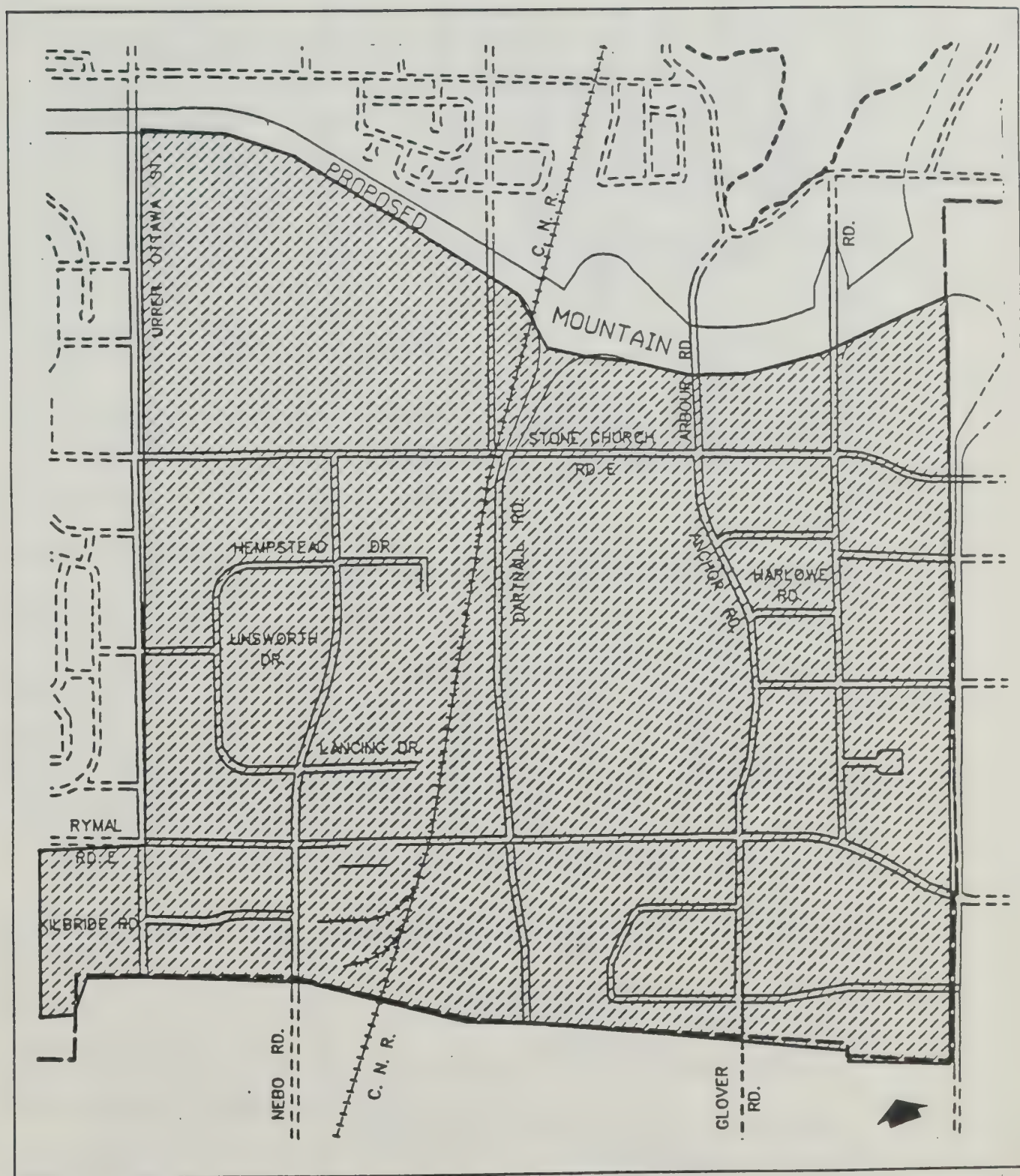
- 3) Eliminate the anomalies which exist within the groups (3 digit) and the classes (4 digit) codes (ie. allowing all types of clothing to be manufactured except sweaters);
- 4) Delete certain uses within districts that are considered inappropriate (i.e. funeral home);
- 5) Amend the relevant sections of the Zoning By-law to eliminate the 83.5 m² restriction on accessory office use; reduce the setback requirements for signs in the "M-11", "M-12", "M-13", "M-14", and "M-15" Districts; clarify the outside storage regulations in the "M-11" and the "M-12" District as it relates to Lawn and Garden Centres; and clarify the side yard and landscaped regulations in the "M-11" District; and,
- 6) Initiate an Official Plan Amendment to ensure conformity between the O.P. and the Zoning By-law.

It should be noted that the amendments, as proposed, are **NOT** a 'panacea' in that there will always be persons wanting uses that are not permitted in industrial or commercial areas. However, they are likely to decrease the number of applications that have been received in the past. Furthermore, the proposed amendments reflect the changing economic trends and will provide for more flexibility in by-law interpretation.

For the information of the Committee, it should be noted that the Real Estate Department, Economic Development Department, Building Department, Traffic Department, Hamilton-Wentworth Engineering Department and Hamilton Region Conservation Authority all concur with the recommendations contained in this report.

JHE

wp repopd



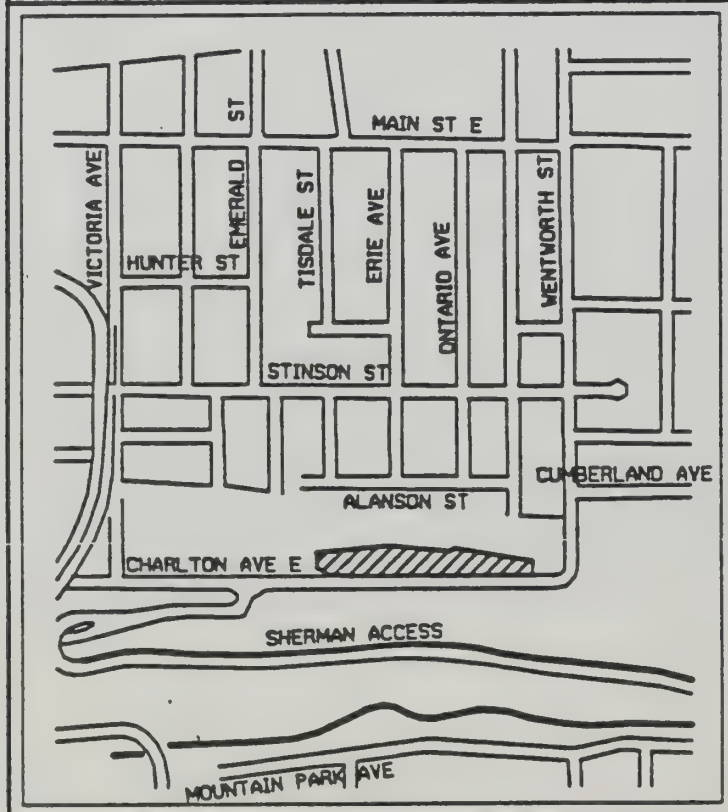
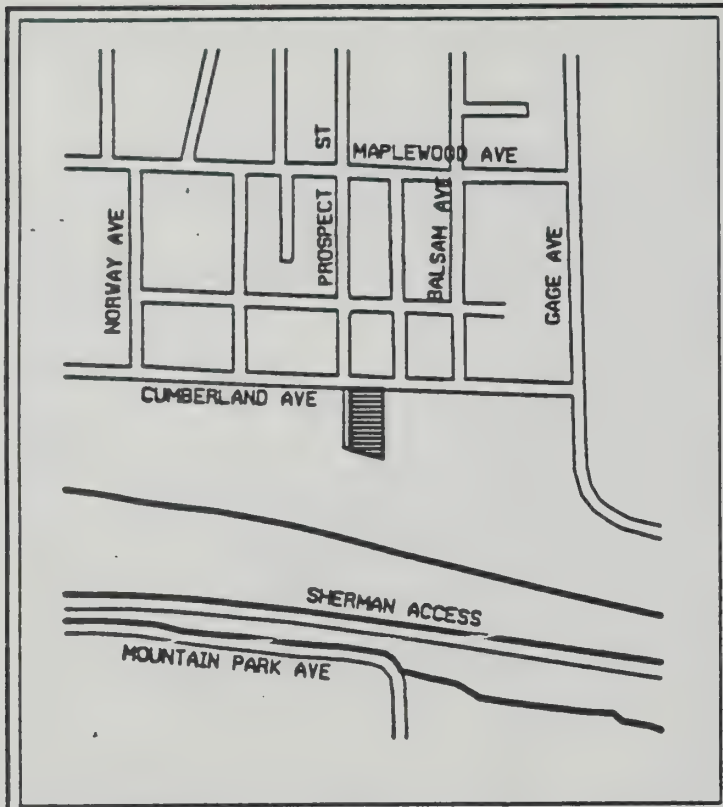
M DISTRICT STUDY
(Prestige Industrial)

DATE : NOVEMBER 1991

--- City Boundary
Reference File No. CI-91-A

 **M DISTRICT**

City of Hamilton
Planning &
Development
Department



M DISTRICT STUDY

(Prestige Industrial)



467 Charlton Avenue



408 Cumberland Avenue

City of Hamilton
Planning &
Development
Department

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Federal Government Service	X	X			
Provincial Government Services	X	X			
Regional and Local Government Services	X	X			
International and Extra Territorial Government Services	X	X			
Library Services			X		
Museums and Archives			X		
Sports and Recreation Clubs and Services			X		
Botanical and Zoological Gardens			X		
Other Amusement and Recreational Services except agricultural fairs, fortune tellers, go kart tracks, horseback riding operations riding schools, trainers - all types			X		
Business Associations	X	X	X		
Professional Membership Associations	X	X	X		
Labour Organizations	X	X	X		
Political Organizations	X	X	X		
Civic and Fraternal Organizations	X	X	X		
Animal Shelters			X		

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Project Management Construction		X	X	X	X
Other Services Incidental to Construction		X	X	X	X
Truck Transport Industries		X	X	X	X
Public Passenger Transit Systems Industries				X	X
Other Storage and Warehousing Industries with ancillary retail not to exceed 49% of the gross floor area of building		X	X	X	X
Telecommunication Broadcasting Industries		X	X	X	X
Postal and Courier Service Industries	X	X			
Wholesaling:					
Food, beverage, drug and tobacco		X	X	X	X
Apparel and dry goods		X	X	X	X
Household Goods		X	X	X	X
Motor Vehicle Parts and Accessories except rebuilding, recapping, retreading or vulcanized tires		X	X	X	X
hardware and plumbing and air conditioning equipment and supplies		X	X	X	X
lumber and building materials		X	X	X	X
machinery, equipment and sales		X	X	X	X
paper and paper products		X	X	X	X

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
agricultural supplies		X	X		
toys, amusement and sporting goods		X	X		
photographic equipment and musical instruments and supplies		X	X		
jewellery and watches		X	X		
industrial and household chemicals		X	X		
general merchandise		X	X		
books, periodicals and newspaper		X	X		
second hand goods except automotive and machinery		X	X		
Retail Stores selling:					
food	X				
liquor, wine, beer	X				
prescription drugs, and medicine	X				
household furniture, appliances and furnishings except furniture finishing and repair	X	X			
furniture refinishing and repair	X	X	X		
general merchandise	X				
books and stationary	X				
hardware, paint, wallpaper, and glass	X	X			
sporting goods and bicycles	X				

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
musical Instruments and records	X				
camera and photographic supplies	X				
toy, hobby, novelty and souvenirs	X				
other retail stores	X				
Gasoline Service Stations	X				
Recreation Vehicle Dealers	X	X			X
Automotive Parts and Aecessories Store	X	X			
Motor Vehicle Repair Shops except paint and autobody repair shop	X	X	X	X	X
Paint and Autobody Repair Shop				X	X
Other Motor Vehicle Services except car washes selling gasoline		X	X	X	X
Other Motor vehicle services including car washes selling gasoline	X				
Lawn and Garden Centres with a maximum of 25% of lot area to be used for outside storage and sales area	X	X			
Vending Machine Operators	X	X			
Direct sellers	X	X			
Finance and Insurance Industries	X	X			
Real Estate Operators and Insurance Agent Industries)	X	X			

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Employment Agencies and Personnel Suppliers	X	X			
Computer and related services	X	X	X		
Accounting and bookkeeping services	X	X	X		
Advertising services	X	X	X		
Architectural, Engineering, and Other Scientific and Technical Services	X	X	X		
Offices for:					
lawyers, notaries	X	X			
medical, dental	X	X			
health practitioners	X	X			
social services practioners	X	X			
Management Consulting Services	X	X			
Other Business Services	X	X			
Post Secondary Non-University	X	X	X		
Medical and Health Labratories	X	X	X		
Health and Social Service Associations and Agencies	X	X			
Food services except caterers	X				
Outdoor Patio in conjunction with food services (restaurant) only	X				
Caterers including banquet facilities	X	X			

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Motion Picture, Audio and Video Production and Distribution		X	X		
Regular Motion Picture Theatre			X		
Class H Adult Entertainment Parlour	X				
Bowling Alleys and Billiard Parlours			X		
Amusement park and Carnival Circus			X		
Dance Halls, studios and Schools			X		
Roller Skating Facilities			X		
Barber and Beauty Shops	X				
Laundries and cleaners except distributors and/or agents for dry cleaners, Self serve laundries and/or dry cleaners , and valet services, pressing and/or repairing				X	X
Distributors and/or agents for Dry Cleaners	X				
Self serve laundries and/or dry cleaners	X				
Valet Services, pressing and/or repairing	X				
Other Personal Household Services	X	X			
Machinery and Equipment Rental and Leasing Services		X	X	X	X
Automobile Truck Rental and Leasing Services					X

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Photographers	X	X			
Repair Services		X	X	X	X
Services to Buildings and Dwellings		X	X	X	X
Travel Services	X	X			
Veterinary Services			X		
Kennels			X		

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9/2/08/12

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Fruit and Vegetable Industry				X	X
Dairy Products Industry				X	X
Bakery Products Industry				X	X
Sugar and Sugar Confectionary Industries except Cane and Sugar Beet Industry				X	X
Other Food Products Industries				X	X
Soft Drink Industry			X	X	X
Brewery, Distillery, Wine Industries				X	X
Rubber Products except Tire and Tube Industries				X	X
Leather and Allied Products Industries except leather tanneries		X	X	X	X
Primary Textile Industries				X	X
Textile Products Industries except carpets, mats, rugs industry		X	X	X	X
Clothing Industries		X	X	X	X
Sash, Door and Other Millwork Industries				X	X
Wooden Box and Pallet Industries				X	X
Coffin and Casket Industries				X	X
Other Wood Industries except Wood Preservation Industry				X	X
Furniture and Fixture Industries				X	X

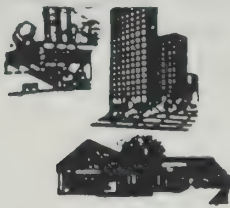
USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Paper Box and Paper Bag Industries			X	X	X
Printing, Publishing, and allied Industries		X	X	X	X
Fabricated Metal Products Industries - (Except Machinery and Transportation Equipment Industries) - except Power Boiler and Heat Exchanger Industry				X	X
Motor Vehicle Part and accessories Industries except firewall and leaf spring manufacturing				X	X
Boat Building and Repair Industry				X	X
Small Electrical Appliance Industry			X	X	X
Major Appliance Industry			X	X	X
Electric Lighting Industries			X	X	X
Record Player, Radio, Television Receiver Industry			X	X	X
Communication and other Electronic Equipment Industries			X	X	X
Office, Store and Business Machine Industries			X	X	X
Electrical industrial equipment Industries			X	X	X
Communications and Energy Wire and Cable Industries			X	X	X
Electrical Products Industries except Battery Industry			X	X	X
Clay Products Industries				X	X

USE NOT PROHIBITED	DISTRICT				
	M-11	M-12	M-13	M-14	M-15
Concrete Products Industries				X	X
Glass Products Industries except Glass Containers					X
Other Non-metallic Products Industries except asbestos and gypsum products				X	X
Pharmaceutical and Medicinal Products			X	X	X
Toilet Preparations Industry			X	X	X
Scientific and Professional Equipment Industries			X	X	X
Jewellery and Precious Metals Industries			X	X	X
Sporting Goods and Toy Industries			X	X	X
Sign and Display Industry			X	X	X
Manufactured Products Industries			X	X	X
Building, Developing, and General Contracting Industries			X	X	X
Industrial and Heavy (Engineering) Construction Industries			X	X	X
Trade Contracting Industries			X	X	X

a:industrn

92/08/11

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. 100
Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services,
Traffic Department and Alderman D. Drury, Chairperson, Planning and Development
Committee - 1992 August 12"



HAMILTON PROKLEEN MAINTENANCE
& FLOOR FINISHING LIMITED

30 CARDINAL DRIVE

HAMILTON, ONTARIO L9A 4H4

PHONE: 416-385-3296

FAX: 416-385-3394

AUG 11 1992

11a
RECEIVED

CITY CLERKS

August 6, 1992

Secretary
Planning and Development
City Hall
71 Main street West
Hamilton, Ontario
L8N 3T4

Dear Sirs:

Re: Proposed Zoning Changes - East Mountain Industrial Park
Your File No. CI-91-A

In response to the notice of zoning amendments, please be advised that our company is greatly opposed to the change to add "automotive related uses" to the M-14 district.

We have built a comfortable office in the buildings we occupy. We would like to see this retain its value as would the other owners in the complex. To invite these well-maintained buildings to be used for "automotive related" uses would deteriorate the property values and everyone including the City would loose. There are buildings in the industrial park area that are constructed as "automotive malls" and that is where this type of business should remain.

It is our hope that you will reconsider this amendment and not allow "automotive related uses" of any kind into this area unless it is in a specific "automotive mall" which has been constructed to handle this type of business.

We feel that consideration should be taken to amend the zoning bylaws to delete existing buildings that were not constructed for "automotive related" uses from the proposed changes. If this change is not considered, the owners of businesses and buildings in the industrial park will feel that they have been unfairly treated by the City of Hamilton and may react accordingly.

Thank you for your consideration in this matter.

Yours truly

Tony Staibano
Hamilton Prokleen Maintenance & Floor Finishing Ltd.

TS/jm

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

PROPOSED CHANGES- GENERAL TEXT AMENDMENT TO THE M (PRESTIGE INDUSTRIAL)

DISTRICTS

I AM IN FAVOUR OF ()

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED GENERAL TEXT AMENDMENT

.....
STAIBANO ANTHONY
30 CARDINAL DR
HAMILTON ONT

L9A 4H4

.....
FILE-CI-91-A SEQ-00065

RECEIVED

AUG 11 1992

.....
CITY CLERKS
.....

SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4229

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

PROPOSED CHANGES- GENERAL TEXT AMENDMENT TO THE M (PRESTIGE INDUSTRIAL)

DISTRICTS

RECEIVED

I AM IN FAVOUR OF ()

AUG 11 1992

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

CITY CLERKS

THIS PROPOSED GENERAL TEXT AMENDMENT



SIGNED

.....
HAMILTON PROKLEE OR OCCUPANT
MAINTENANCE & FLOOR
FINISHERS LIMITED
30 CARDINAL DR
HAMILTON ONT

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4229

L9A 4H4

.....
FILE-CI-91-A

SEQ-00054

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

Group Box 64, Hamilton, Ontario L0R 1P0
Bus. 574-1887 • Fax 574-0919 • Res. 679-4577

RECEIVED

AUG 05 1992

CITY CLERKS

July 31, 1992

Secretary
Planning and Development
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sirs:

Re: Proposed Zoning Changes - East Mountain Industrial Park
Your File No. CI-91-A

In response to the notice of zoning amendments, please be advised that our company is greatly opposed to the change to add "automotive related uses" to the M-14 district.

The majority of the buildings in this district were constructed for the use of small business such as contractors, warehouse facilities, small fabricating operations. The buildings were not constructed to support "automotive related uses" either internally or externally. Internally, the buildings are not sealed properly to prevent the migration of smells from unit to unit. Externally, there is not enough parking spaces to accommodate the normal business traffic as well as the traffic created by a business that is "automotive related".

If a business is set up that is "autotmotive related" in the M-14 district, will the City provide proper policing to ensure that the business is conforming to the Building Codes? It has been our experience that a business of this type can operate without proper policing as the "owner" is a transient owner who may do "automotive related" work at nights and on weekends, thus making it very difficult to stop this type of business. In the meantime, the associated noise, increased traffic, licenced and unlicenced vehicles clogging the existing parking areas of a building together with the debris left around due to the nature of this type of business will only devalue the property. In addition, it will also affect the operation of the existing businesses that are located in the buildings. Customers will not be very willing to frequent a business in a building that is not well maintained due to the existance of a "automotive related" business. This in turn will cause the other owners or tenants in the buildings to become very dissatisfied and protest against the City for lack of assistance to prevent a deterioration of the property and they may in turn withhold their taxes which the City desparately needs.

We have built a comfortable office in the buildings we occupy. We would like to see this retain its value as would the other owners in the complex. To invite these well-maintained buildings to be used for "automotive related" uses would deteriorate the property values and everyone including the City would loose. There are buildings in the industrial park area that are constructed as "automotive malls" and that is where is type of business should remain.



D.J. MASON Electric Co. Ltd.

38-A Bigwin Road, Unit 6
Group Box 64, Hamilton, Ontario L0R 1P0
Bus. 574-1887 • Fax 574-0919 • Res. 679-4577

Planning and Development Committee
July 31, 1992
Page 2 - Zoning Amendments CI-91-A

It is our hope that you will reconsider this amendment and not allow "automotive related uses" of any kind into this area unless it is in a specific "automotive mall" which has been constructed to handle this type of business.

We feel that consideration should be taken to amend the zoning bylaws to delete existing buildings that were not constructed for "automotive related" uses from the proposed changes. If this change is not considered, the owners of businesses and buildings in the industrial park will feel that they have been unfairly treated by the City of Hamilton and may react accordingly.

Thank you for your consideration in this matter.

Yours truly

A handwritten signature in cursive script, appearing to read 'David J. Mason', written in dark ink.

David J. Mason
D. J. Mason Electric Co. Ltd.

DJM/jm

"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 August 12"

PROPOSED CHANGES- GENERAL TEXT AMENDMENT TO THE M (PRESTIGE INDUSTRIAL)

DISTRICTS

RECEIVED

AUG 05 1992

I AM IN FAVOUR OF ()

OPPOSED TO ☒ (PLEASE CHECK (V) WHICH)

THIS PROPOSED GENERAL TEXT AMENDMENT

CITY CLERKS

David J. Mason SIGNED

.....
D J MASON ELECTR OR OCCUPANT
38-A BIGWIN RD UNIT 6
GROUP 64
HANNON ONT

LOR 1PO

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT. 546-4229

.....
FILE-CI-91-A

SEQ-00050

12

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 12 1992

CITY CLERKS

DATE: 1992 August 12
ZA-92-17
Trenholme Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Request for a modification in zoning - No. 1123, 1131 and
1135 Stone Church Road East.

RECOMMENDATION:

That approval be given to amended Zoning Application 92-17, Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit the construction of a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor level), and an accessory apartment unit, (second floor), for property located at Nos. 1123, 1131 and 1135 Stone Church Road East, as shown on the attached map marked as Appendix "A", on the following basis:

- i) That the "M-13" (Prestige Industrial) District regulations as contained in Section 17E of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
1. That notwithstanding Section 17E(1) (c) of By-law No. 6593, a restaurant and caterer including banquet facilities shall be permitted.
 2. That notwithstanding Section 17E(1) (e) of By-law No. 6593, an accessory dwelling unit which is incidental to the permitted restaurant use and located within the same building, shall be permitted.
 3. That Section 4. (3) (a) of By-law No. 6593 shall not apply to the two existing single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated as S- .
- iii) That the City solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C for submission to City Council.
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- v) That the Trenholme Neighbourhood Plan and the Mountain Industrial Area Plan be amended by redesignating the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL".

EXPLANATORY NOTE:

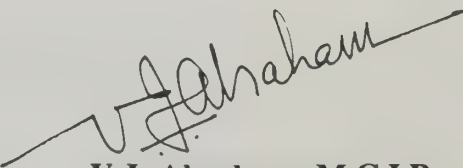
The purpose of the By-law is to modify the established "M-13" (Prestige Industrial) District regulations for property located at Nos. 1123, 1131 and 1135 Stone Church Road East , as shown on the attached map marked as Appendix "A".

The effect of the By-law is to allow the demolition of the existing dwelling known municipally as No. 1123 Stone Church Road East and the construction of a 2 storey building containing:

- a 300 seat banquet hall (basement level);
- a 150 seat restaurant (ground floor); and,
- an accessory apartment unit (second floor).

In addition, the By-law provides for a variance as a special requirement to allow the restaurant to be built on the same lot as two existing legal non-conforming single-family dwellings, known municipally as Nos. 1131 and 1135 Stone Church Road East.

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The subject lands consist of three legal non-conforming dwelling units located on one lot. The proposal is to demolish the existing dwelling known as No. 1123 Stone Church Road East, and to construct a 2 storey, 466 m² (5,020 sq. ft.) building containing a 300 seat banquet hall (basement level), a 150 seat restaurant (ground floor), and an accessory apartment unit (second floor) for use by the owners of the restaurant.

The applicant wishes to retain the two remaining dwellings known as Nos. 1131 and 1135 Stone Church Road East, until such time as it is feasible to expand the restaurant/banquet business. In this regard, it is intended to eventually remove the two dwellings in order to expand the restaurant and banquet hall use.

- Surrounding Development

It should be noted that zoning modifications, to allow a variety of additional commercial uses, have been approved in the vicinity of the subject lands along Stone Church Road East. Specifically:

- **1175 Stone Church Road East (By-law 91-167)**
Modification to the "M-13" District to allow a number of additional commercial uses, including restaurants.
- **1185 Stone Church Road East (By-law No. 85-54)**
Modification to the "M-13" District to permit a miniature golf centre.
- **1221 Stone Church Road East (By-law No. 89-51)**
Modification to the "M-13" District to permit a car radio sales/installation establishment.
- **1249 Stone Church Road East (By-law No. 89-113)**
Modification to the "M-13" District to permit a number of additional commercial uses.
- **1120 and 1150 Stone Church Road East (By Law No. 89-205)**
Modification to the "M-14" District to permit a home design centre, containing numerous commercial uses.

- **1180 Stone Church Road East** (By-law No. 87-109)
Modification to the "M-14" District to permit a motor vehicle glass replacement shop and motor vehicle service.
- **1198 Stone Church Road East** (By-law No. 87-333)
Modification to the "M-14" District to permit an auto repair garage.
- "M" District Study

The "M" District Study does not propose to add restaurants to the list of permissible uses for the "M-12", "M-13", "M-14" or "M-15" (Prestige Industrial) Districts. It proposes to maintain restaurants within the "M-11" Districts only.

APPLICANT:

Mr. Chin Shee Shing and Mrs. Chin Nor Fai, owners.

LOT SIZE AND AREA:

- 73.30 m (240.50 ft.) of lot frontage on Stone Church Road East;
- 91.44 m (300.0 ft.) of lot depth; and,
- 6,702 m² (72,150 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	three single-family dwellings	"M-13" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	City of Hamilton Traffic Operations Centre	"M-13" (Prestige Industrial) District
to the south	commercial and industrial uses	"M-11" (Prestige Industrial) District and "M-14" (Prestige Industrial) District, modified

to the east	vacant	"M-13" (Prestige Industrial) District
to the west	vacant	"M-13" (Prestige Industrial) District

OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan. The following policies, among others, would apply:

"2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:

i) Residential uses subject to the following provisions:

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas.

2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region."

In addition, the subject lands are designated as a "Multi-Centre" on Schedule G - Planning Units of the Official Plan:

- "D.2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:
- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, churches or community centres, as well as multi-family residential development;
 - iii) Encourage the development of land uses providing employment opportunities for residents of the community;
 - iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency;
 - v) Detail the distribution of land uses through NEIGHBOURHOOD PLANS, subject to necessary amendments to this Plan."

The proposal complies with the intent of the Commercial designation as well as the intent of the Multi-Centre policies.

NEIGHBOURHOOD PLAN:

The subject lands are designated "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" on the Trenholme Neighbourhood Plan and approved Mountain Industrial Area Plan. The proposal requires a redesignation to "MULTI-CENTRE - COMMERCIAL".

COMMENTS RECEIVED:

- The Building Department has advised that:
 - "1. The classification of a Restaurant, licensed S.I.C. # 9211 or restaurant, unlicensed S.I.C. # 9212 are not permitted in a M-13 District.
 - 2. To have more than one principal building on a lot, when one building is used for residential purposes is not permitted.

3. The parking required for the restaurant is determined on the number of persons who may be lawfully accommodated.
4. Based on the total building area, one 3.7 m x 9.0 m x 4.3 m loading space is required.
5. Demolition approval of the existing residential building by the Planning and Development Committee under Demolition Control By-law is required.
6. Any signs are subject to the M-13 District provisions.
7. Detailed plans have not been submitted to determine compliance."

The following additional comments were received from the Building Department, based on a preliminary site plan:

- "1. Comments #1 and #2 in my letter of June 15th, 1992, are the same.
2. Our Department will establish the capacities of both uses. The parking will be based on the legal capacity, not the stated capacity by the owner. The proposed capacity of 450 persons for the restaurant and hall will require seventy-five (75) cars. Please inform the owner the basement will be calculated for the most stringent capacity which is loose chairs for a meeting, film night etc.
3. The three (3) residential units require four (4) parking spaces.
4. Comments numbered #4, #5, #6 and #7 in my letter of June 15, 1992 are the same."

- The Hamilton-Wentworth Roads Department - Development has advised that:

"There are public watermain and separate storm and sanitary sewers available to service these lands.

The designated road allowance width of Stone Church Road is 30.48 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Stone Church Road road allowance.

Any works which may occur within the Stone Church Road road allowance, as widened, must conform to the Region's Road Use By-law.

The Traffic Department is to comment on access design. We recommend that the subject lands be developed through site plan control and at that time we will provide detailed comments on grading, setback, landscaping, etc."

- The Traffic Department has advised that:

"If the ultimate design will necessitate the demolition of both properties, we would like to know what is being ultimately proposed after their removal to allow us to determine the suitability of driveway accesses, parking, loading, etc. for this site.

We recommend that the westerly driveway be flared evenly like the easterly driveway.

The pedestrian walkways and parking layout are satisfactory. We suggest that the two middle pedestrian walkways in the parking lot be a painted delineation instead of a raised island. This would facilitate vehicular movement and maintenance in the lot (i.e. snow removal).

The applicant has provided a 15.2 m x 3.66 m loading space on the east side of the parking lot. According to the Zoning By-law the loading space should be 18.0 m x 3.7 m. We recommend that the space be the required size and positioned where loading is most likely to occur."

- The Hamilton Region Conservation Authority, Hamilton-Wentworth Economic Development Department, Hamilton-Wentworth Roads Department - Special Project Office, and the City of Hamilton - Real Estate Division, have no comments or objections.

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal requires an amendment to the Trenholme Neighbourhood Plan and Mountain Industrial Area Plan to redesignate the subject lands from "MULTI-CENTRE - CIVIC AND INSTITUTIONAL" to "MULTI-CENTRE - COMMERCIAL." It should be noted that the "CIVIC AND INSTITUTIONAL" designation was applied to this quadrant of the Multi-Centre, to reflect public owned lands to the north and west of the subject lands.
3. Restaurants are not anticipated to be added to the "M-13" District by the "M" Districts Review. However, the lands at the north-east corner of Upper Ottawa and Stone Church Road East are an exception because they are designated "Commercial" in the Official Plan and are designated Multi-Centre in the Trenholme Neighbourhood and Mountain Industrial Area Plans, whereas other "M-13" lands are designated by the Official Plan and Neighbourhood Plans for "Industrial" use.

4. The two existing single-family dwellings known municipally as Nos. 1131 and 1135 Stone Church Road East would remain on the subject lands. It should be noted that these are legal non-conforming uses and therefore, it would be preferable for them to cease. However, the applicant has indicated that the ultimate plan for the subject property is to eventually remove the two legal-nonconforming dwellings to expand the restaurant/banquet business.
5. The proposal has merit and can be supported for the following reasons:
 - it implements the intent of the "Commercial" designation in the Official Plan;
 - it implements the intent of the "Multi-Centre", to provide commercial services and employment opportunities;
 - it is suitably located at a designated Multi-Centre, near the intersection of two major arterial roads;
 - the proposed commercial use is consistent with established commercial uses and zoning modifications in the vicinity of the subject lands, along Stone Church Road East;
 - the proposal would not interfere with the orderly development of the Mountain Industrial Area, and would serve the industries in the area and their personnel; and,
 - the proposal would be compatible with existing and future intended uses in the area.
6. Modifications to the "M-13" District regulations are required to allow an accessory apartment dwelling unit and to allow the proposed restaurant on the same lot as the two existing legal non-conforming single-family dwellings.

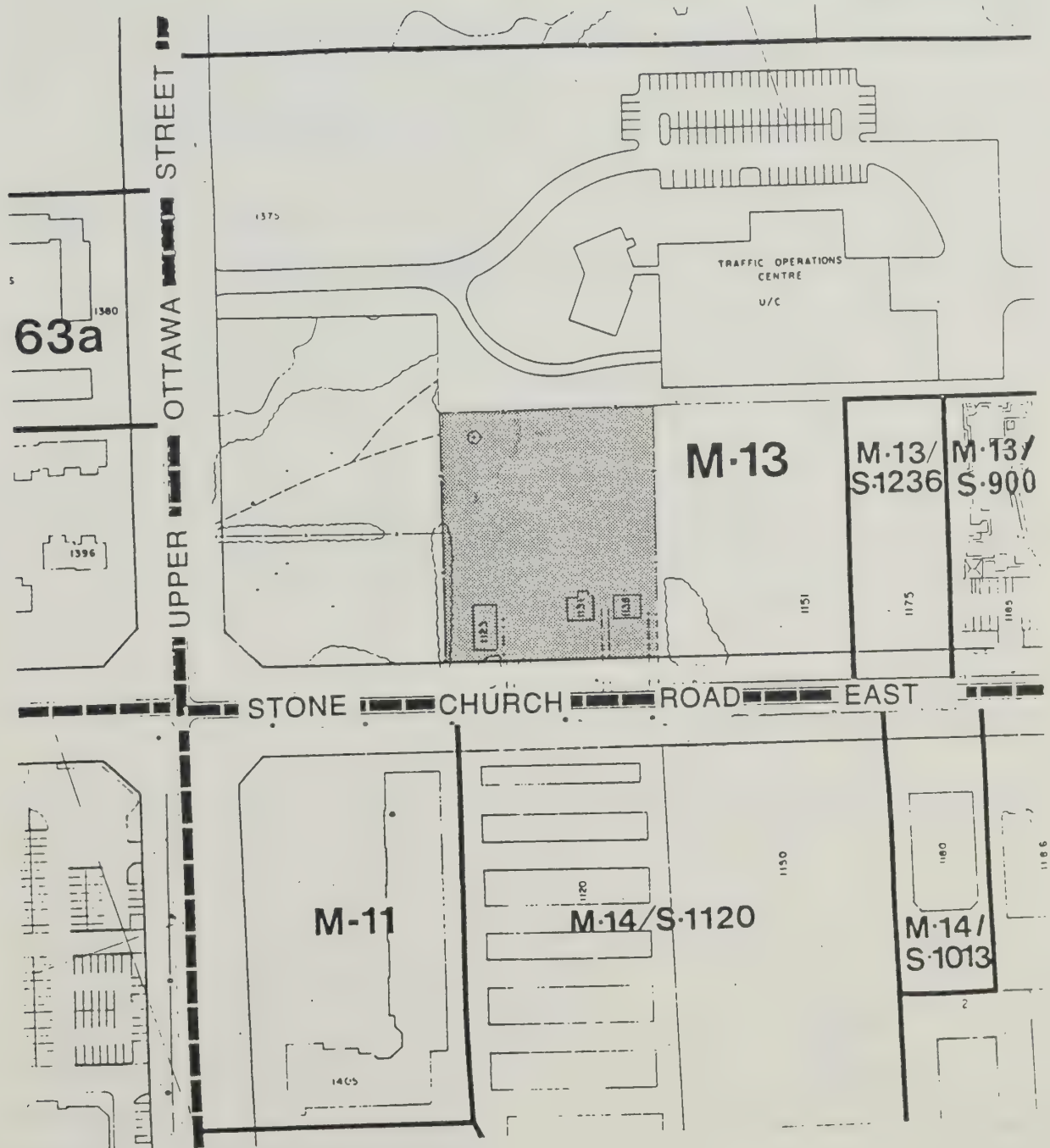
The Building Department has indicated that detailed plans have not been submitted to determine compliance. Further, as indicated by the Traffic Department, the preliminary site plan submitted with the application provides a 15.2 m x 3.66 m loading space, whereas the By-law requires 18.0 m x 3.7 m. In this regard, it should be noted that By-law regulations must be met for parking, loading, access, etc. As well, any future expansion to the development must meet By-law regulations.

7. The "M-13" (Prestige Industrial) District is subject to Site Plan Control. As such, details of landscaping, access, parking, grading, etc. can be reviewed during the Site Plan approval process. As well, the required road widening, as per the comments of the Roads Department, should be made a condition of Site Plan Approval. In addition, any further expansion or revision to the development would also be subject to the Site Plan process.

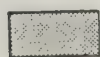
CONCLUSION:

On the basis of the foregoing, the amended application can be supported.

CL-M/ma



Legend



Site of the Application



APPENDIX A

CITY OF HAMILTON
- RECOMMENDATION -

RECEIVED

AUG 11 1992

CITY CLERKS

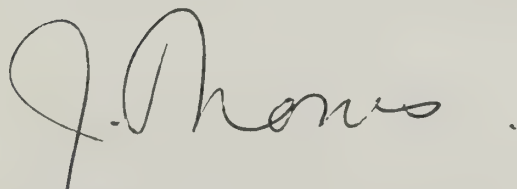
DATE: 1992 August 11
DA-92-16 (DA-91-17)(DA-90-61)
Rymal Neighbourhood

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

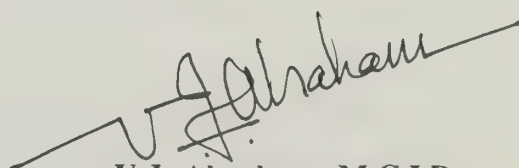
FROM: Mr. J. D. Thoms
Commissioner of Planning and Development

SUBJECT: Site Plan Control Application DA-92-16 to amend
DA-91-17 by Mr. J. Commisso owner of the lands at 1167 Rymal Road East
for a pylon sign be DENIED for the following reasons:

- i) The pylon sign is not permitted within the 6.0 m required front yard landscaped area.
- ii) The pylon sign could be located in a location which complies with Committee of Adjustment allowances.



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



V.J. Abraham, M.C.I.P.
Director of Local Planning

BACKGROUND

The applicant has had two (2) previous Site Plan Control Applications dealing with the sign and it's location.

An order to comply issued to the applicant prompted application DA-90-61. The built pylon sign, at a setback of 1.83 m, did not conform to the minimum 11.4 m setback from the front property line. During review of the application, the issue was discussed with the applicant who agreed to take down the sign and replace it at the required setback of 11.4 m minimum from the front property line.

The applicant made another Site Plan Control Application DA-91-17 for an addition to the existing garden center. The Building Department noted that the sign still did not comply to the minimum 11.4 m setback from the front property line. The applicant thus applied for and received Committee of Adjustment approval for a minimum setback of 6.0 m.

Plans have been submitted to amend Site Plan Control Application DA-91-17 for a pylon sign at 1167 Rymal Road East. The pylon sign is proposed to be located 1.83 m from the front property line.

COMMENTS RECEIVED:

The Roads Department approved the plan submitted dated October 2, 1990 with respect to grading and has indicated that they have no objection to the proposed sign provided it is located entirely on private property and that the sign is a pylon sign and not a ground sign (bottom of faceboard to be minimum 2.43 m above grade).

The Traffic Department has advised that as the access driveway for the property to the east (1177 Rymal Road East) is directly adjacent to the east property line, the pylon sign should be moved west to the middle of the property to avoid any visibility problems.

The Building Department has advised that:

1. According to Committee of Adjustment application A-91:164 the ground sign is to provide a minimum 6.0 m setback from the front lot line, shown is 1.83 m.

2. The ground sign is not permitted within the 6.0 m required landscaped area.
3. Height requirement and total aggregate area shall conform to sections 17C(a)(1) and 17C(3)(4) respectively.

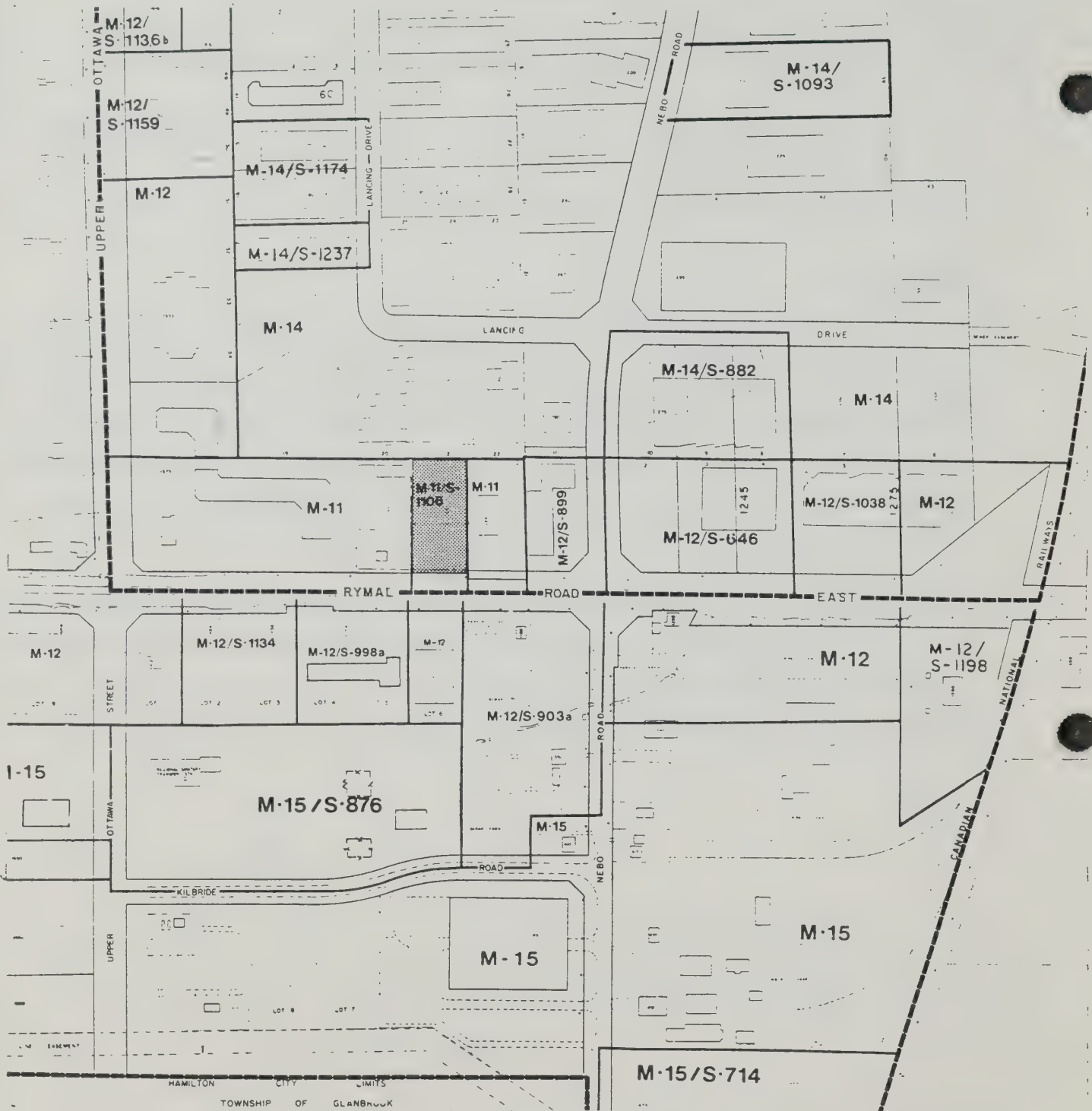
COMMENTS:

The location of the pylon sign at 1.83 m from the front property line is not consistent with the approved minimum 6.0 m setback as per Committee of Adjustment Application A-91:164 and Site Plan Control Application DA-91-17. The sign could be located this distance, as the landscaped area which was approved in the original application DA-89-114 provides sufficient space and visibility for the pylon sign. Therefore, the Planning Department cannot support the proposed location of the pylon sign within 1.83 m the front property line.

It should be noted that the applicant has constructed the sign in the proposed location 1.83 m from the front property line, and it has remained there although through approvals of previous Site Plan Control Applications, DA-90-61 and DA-91-17, the sign was to be moved 11.4 m and 6.0 m from the front property line respectively.

TF/ma

DA9216



City of Hamilton
Plan Showing
Lands Subject to
Site Plan Control
Application DA-92-16

Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend



Site of the Application

North



Scale
 1:5000

Date
 APRIL, 1992

Reference File No.
 DA-92-16

Drawn By
 L.B.

ROADS DEPARTMENT MEMORANDUM

TO: J. Sakala,
Planning and Development

YOUR FILE: DA-92-16

FROM: G.S. Aston, P.Eng.
Director of Programming
and Development
Roads Department

OUR FILE: E220-1809
PHONE:(416) 546-4294

SUBJECT: Site Plan Control Application
DA-92-16 to Amend DA-91-17 for
a Pylon Sign at 1167 Rymal Road
East, Hamilton

DATE:1992 April 23

GRADING AND SERVICING

The Site Plan submitted dated October 2, 1990 showing the location of the proposed sign is approved with respect to Regional concerns with grading.

TRANSPORTATION COMMENTS

We have no objection to this proposal provided that the sign is entirely on private property and that the sign is a pylon sign and not a ground sign (bottom of faceboard to be minimum 2.43 metres above grade.

EH/cb *[signature]*

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No		Re: APR 28 1992		
TO	STAFF	INIT.	INFO	ACT.
DIR.				
PPRA				
DEV				
STAFF				
CART				
ACT.				

[Handwritten initials and signatures are present in the table cells]



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1992 May 27

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No		Received		
		MAY 29 1992		
TO	STAFF	INIT.	INFO.	ACT.
D.R.				
PPS				
REGION				
CITY				
KB	STAFF			
	CART.			
	ADMIN.			

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

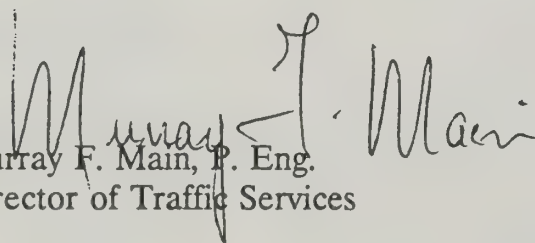
Re: **DA-92-16**
1167 Rymal Road East

In response to your letter of 1992 April 13, please be advised that we have reviewed this application and have the following comments.

The access driveway for the property to the east (1177 Rymal Road East) is directly adjacent to the east property line. We recommend that the pylon sign be moved west to the middle of the property to avoid any visibility problems.

Should you require any further information in regard to these comments, please contact Sue Hayward at 546-4575.

Yours truly,


Murray F. Main, P. Eng.
Director of Traffic Services

RK/SH/ks



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

BUILDING DEPARTMENT

FAX - (416) 546-2764
GENERAL INQUIRIES - (416) 546-2720

Refer to File DA-92-16
Attention of G. Robis
Telephone 546-3931

PRESENT ZONING: M-11/S-1106

1992 May 4

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: DA-92-16
1167 RYMAL ROAD EAST

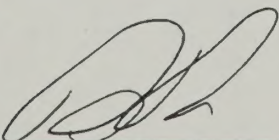
PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.	Recd	MAY 05 1992		
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
PP & A				
NEIGH				
DEV.				
ESUD				
STAFF				
CART.				
ADMIN				

The above, under cover of your letter dated April 13, 1992, has been examined.

COMMENTS:

1. According to Committee of Adjustment application A-91:64 the ground sign is to provide a minimum 6.0m setback from the front lot line, shown is 1.83m.
2. The ground sign is not permitted within the 6.0m required landscaped area.
3. Height requirement and total aggregate area shall conform to Sections 17C(2)(a)(1) and 17C(3)(4) respectively.

Yours truly,


for the Building Commissioner

GR/zr

THE CORPORATION OF THE CITY OF HAMMILL
PLANNING DEPARTMENT

1. Name of Project
2. Location
3. Date
4. Author

PLANNING DEPARTMENT

1. Name of Project	2. Location
3. Date	4. Author
5. Title	6. Description
7. Objectives	8. Methodology
9. Results	10. Conclusions
11. Recommendations	12. References
13. Appendix A	14. Appendix B
15. Appendix C	16. Appendix D
17. Appendix E	18. Appendix F
19. Appendix G	20. Appendix H
21. Appendix I	22. Appendix J
23. Appendix K	24. Appendix L
25. Appendix M	26. Appendix N
27. Appendix O	28. Appendix P
29. Appendix Q	30. Appendix R
31. Appendix S	32. Appendix T
33. Appendix U	34. Appendix V
35. Appendix W	36. Appendix X
37. Appendix Y	38. Appendix Z
39. Appendix AA	40. Appendix AB
41. Appendix AC	42. Appendix AD
43. Appendix AE	44. Appendix AF
45. Appendix AG	46. Appendix AH
47. Appendix AI	48. Appendix AJ
49. Appendix AK	50. Appendix AL
51. Appendix AM	52. Appendix AN
53. Appendix AO	54. Appendix AP
55. Appendix AQ	56. Appendix AR
57. Appendix AS	58. Appendix AT
59. Appendix AU	60. Appendix AV
61. Appendix AW	62. Appendix AX
63. Appendix AY	64. Appendix AZ
65. Appendix BA	66. Appendix BB
67. Appendix BC	68. Appendix BD
69. Appendix BE	70. Appendix BF
71. Appendix BG	72. Appendix BH
73. Appendix BI	74. Appendix BJ
75. Appendix BK	76. Appendix BL
77. Appendix BM	78. Appendix BN
79. Appendix BO	80. Appendix BP
81. Appendix BQ	82. Appendix BR
83. Appendix BS	84. Appendix BT
85. Appendix BU	86. Appendix BV
87. Appendix BW	88. Appendix BX
89. Appendix BY	90. Appendix BZ
91. Appendix CA	92. Appendix CB
93. Appendix CC	94. Appendix CD
95. Appendix CE	96. Appendix CF
97. Appendix CG	98. Appendix CH
99. Appendix CI	100. Appendix CJ
101. Appendix CK	102. Appendix CL
103. Appendix CM	104. Appendix CN
105. Appendix CO	106. Appendix CP
107. Appendix CQ	108. Appendix CR
109. Appendix CS	110. Appendix CT
111. Appendix CU	112. Appendix CV
113. Appendix CW	114. Appendix CX
115. Appendix CY	116. Appendix CZ
117. Appendix DA	118. Appendix DB
119. Appendix DC	120. Appendix DD
121. Appendix DE	122. Appendix DF
123. Appendix DG	124. Appendix DH
125. Appendix DI	126. Appendix DJ
127. Appendix DK	128. Appendix DL
129. Appendix DM	130. Appendix DN
131. Appendix DO	132. Appendix DP
133. Appendix DQ	134. Appendix DR
135. Appendix DS	136. Appendix DT
137. Appendix DU	138. Appendix DV
139. Appendix DW	140. Appendix DX
141. Appendix DY	142. Appendix DZ
143. Appendix EA	144. Appendix EB
145. Appendix EC	146. Appendix ED
147. Appendix EE	148. Appendix EF
149. Appendix EG	150. Appendix EH
151. Appendix EI	152. Appendix EJ
153. Appendix EK	154. Appendix EL
155. Appendix EM	156. Appendix EN
157. Appendix EO	158. Appendix EP
159. Appendix EQ	160. Appendix ER
161. Appendix ES	162. Appendix ET
163. Appendix EU	164. Appendix EV
165. Appendix EW	166. Appendix EX
167. Appendix EY	168. Appendix EZ
169. Appendix FA	170. Appendix FB
171. Appendix FC	172. Appendix FD
173. Appendix FE	174. Appendix FF
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